

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 **110, 200, 201, 203, 203.1, 219, 265, 270, 275, 331, 332, 1050, 1572, 1575, 4302, 4902, and 10502** of the Fish and Game Code and to implement, interpret or make specific Sections **67, 110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 331, 332, 713, 1050, 1570, 1571, 1572, 1573, 1574, 1575, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4902, 10500, and 10502** of said Code, proposes to **amend** Sections 362, 363, 364, 364.1, 554, 555, and 708.14, Title 14, California Code of Regulations and **add** Section 555.1, Title 14, California Code of Regulations relating to **mammal hunting regulations**.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

Section 362

Current regulations in Section 362 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for bighorn sheep hunting. Individuals are awarded a bighorn sheep hunting tag through the California Department of Fish and Wildlife (Department's) Big Game Drawing. A limited number of fundraising tags are also available for purchase, usually by auction, via non-governmental organizations that assist the Department with fundraising.

Harvest of a bighorn sheep is authorized for an individual with a tag for a respective hunt zone and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution.

The proposed changes are as follows:

Amend Subsection 362(d) to modify hunt tag quotas to ranges for each hunt zone.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of bighorn sheep and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior the completion of surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing to improve the clarity and consistency of the regulatory language has been made in section 362.

Benefit of the Regulations:

The goals and benefits of the regulations are to help maintain sustainable populations of desert bighorn sheep, maintain sustainable hunt opportunities, achieve management recommendations in

existing unit plans, and so as not to exceed the 15 percent threshold identified in subdivision (b)(2) of Fish and Game Code Section 4902.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing nelson bighorn sheep (California Fish and Game Code Section 4902). No other state agency has the authority to adopt regulations governing Nelson bighorn sheep. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of Nelson bighorn sheep regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Section 363

Current regulations in Section 363 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for pronghorn antelope hunting. Individuals are awarded a pronghorn antelope hunting tag through the California Department of Fish and Wildlife (Department's) Big Game Drawing. A limited number of fundraising tags are also available for purchase, usually by auction, via non-governmental organizations that assist the Department with fundraising.

Harvest of a pronghorn antelope is authorized for an individual with a tag for a respective hunt zone and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution.

The proposed changes are as follows:

Amend Subsection 363(m) to modify hunt tag quotas as ranges for each zone.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of pronghorn antelope and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission (Commission) to receive proposed changes to existing regulations prior to the completion of surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in Section 363.

Benefit of the Regulations:

The goals and benefits of the regulations are to help maintain sustainable populations of pronghorn antelope, maintain sustainable hunt opportunities, and achieve management recommendations in existing unit plans.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing pronghorn antelope hunting (California Fish and Game Code Section 331). No other state agency has the authority to adopt regulations governing pronghorn antelope hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of pronghorn antelope hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Sections 364 and 364.1

Current regulations in Section 364 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for elk hunting. Currently, elk tags are distributed through four issuance types governed by different sections under Title 14. Issuance types for elk tags include Section 364 General Public tags awarded via the Big Game Drawing, Section 364.1 Shared Habitat Alliance for Recreational Enhancement (SHARE) tags, Section 555 Cooperative Elk Hunting Area "Landowner" tags, and Section 601 Private Lands Wildlife Habitat Enhancement and Management Area (PLM) tags. A limited number of fundraising tags are also available for purchase, usually by auction, via non-governmental organizations that assist the Department with fundraising.

Harvest of an elk is authorized for an individual with a tag for a respective hunt zone and season or specific property, depending on the tag issuance type. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution as well as environmental and social factors.

The proposed changes are as follows:

Amend 364(u) to modify hunt quotas for Grizzly Island Periods 10, 12, and 13.

Amend 364.1(i-k) to modify hunt quotas for Siskiyou, Northwestern, Tehachapi, and Mendocino SHARE elk hunts.

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of elk and hunt opportunities, as well as keeping with mandates and management recommendations. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior to the completion of

surveys and analyses, thus necessitating a range of numbers. Analyses are scheduled for completion by March 2024.

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in sections 364 and 364.1.

Benefit of the Regulations:

The goals and benefits of the regulations are to help maintain sustainable populations of elk, maintain sustainable hunt opportunities, and achieve management recommendations in existing unit plans.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing elk hunting (California Fish and Game Code sections 332 and 3951. No other state agency has the authority to adopt regulations governing elk hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of elk hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Section 554

The Cooperative Deer Hunting Area (deer “landowner (LO) tags”) program that is administered by the California Department of Fish and Wildlife (Department) was initially established as a public access program to encourage protection and enhancement of deer habitat. With the creation of the Shared Habitat Alliance for Recreational Enhancement (“SHARE”) public access program in 2010, it shifted to a landowner tag program. Current regulations for Cooperative Deer Hunting Areas (Section 554) require that landowners who own a minimum of 640 acres in a draw zone may apply for up to two deer tags. Landowners must apply for tags and identify the customer(s) that the tags will be issued to and pay the appropriate fees with their application. For approved applications, the regions sell the tags to the identified customers in the Automated License Data System (ALDS). There are several instances of outdated and confusing language within the regulation that need to be updated and clarified.

Currently, LO tags are not limited by zone and tags are issued in addition to public tag quotas resulting in some zones issuing a greater proportion of LO to public tags. Tag issuance needs to be reduced in these zones.

The proposed changes are as follows:

- Amend Section 554(b)

- Update regional office addresses and provide clarity to the application process.

- (b) Application Process.
- (1) Definitions.
- (2) Eligibility Requirements.
- (3) Application Materials.
- (4) Application Form.
- (5) Review and Approval.

Add Section 554(b)(1): Provide a definition for immediate family member.

Add Section 554(b)(2): Clarify that a landowner application can be for up to two deer tags that can be designated to the landowner or an immediate family member of the landowner.

Add Section 554(b)(2): Reduce the number of available tags to one per application in zones X3a, X5a, and X5b.

Add Section 554(b)(2) and (b)(5): Update “one deer tag” language. Clarify that individuals shall not be eligible for a cooperative deer hunting tag if they hold a deer tag in the same license year for a premium or restricted hunt as defined in 708.1.

Section 554(b)(3): Add application materials.

Application materials need to be added; includes the application, proof of ownership, proof of property size, and applicable fees. Unsuccessful Deer Tag Letter can be used as proof of payment.

Section 554(b)(4): **Add application form.**

Need to list the information required within the application.

Add Section 554(b)(5): Review and approval process.

Benefit of the Regulations:

The goal and benefits of these regulations serve to update administration of the landowner tags through the Cooperative Deer Hunting Area program by updating the application instructions, correcting outdated terms within the regulation, and reducing the number of tags issued in zones of concern (X3a, X5a, and X5b).

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing landowner tags (California Fish and Game Code Section 1575). No other state agency has the authority to adopt regulations governing landowner tags. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the

adoption of landowner tag regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Sections 555 and 555.1

The California Department of Fish and Wildlife (Department) has identified regulated hunting as a preferred tool to both manage elk populations and provide public recreation opportunities. The Fish and Game Commission (Commission) periodically considers the recommendations of the Department in establishing elk hunting regulations. Currently, elk tags are distributed through four issuance types governed by different sections under Title 14. Issuance types for elk tags include Section 364 General Public tags awarded via the Big Game Drawing, Section 364.1 Shared Habitat Alliance for Recreational Enhancement (SHARE) tags, Section 555 Cooperative Elk Hunting Area “Landowner” tags, and Section 601 Private Lands Wildlife Habitat Enhancement and Management Area (PLM) tags.

Regulated harvest is an effective management tool to help reduce human-elk conflict to tolerable levels. The Department aims to provide public hunting opportunity to the greatest extent possible, however, in some cases, elk almost exclusively occupy privately owned property causing significant conflict issues yet may be unavailable for harvest to a majority of general public tagholders. The efficacy of regulated harvest as a management tool in these areas may therefore be reduced due to land access constraints imposed on the general public, among other factors.

The Department has identified an opportunity to modify regulations within an existing framework, Section 555 Cooperative Elk Hunting Areas, to help reduce conflict and provide increased hunting opportunities for qualifying landowners. Chronic, elevated human-elk conflict, elk occupation of predominantly private property, and limited public hunting access has been documented by the Department in the Siskiyou, Northwestern, Mendocino, and Tehachapi Elk Hunt Zones.

The proposed changes are as follows:

Amend Section 555(a)

- Clarify distinction between 5,000 acres and 640 acres criteria
- Add sentence to clarify formula for allocating annual tag distribution relative to general methods public tags (sum of general methods public elk tags + SHARE elk tags issued annually)
- A clarification that a cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting at least 5,000 acres (Fish and Game Code Section 1575) in size (elk hunt zones as identified in section 364). A cooperative elk hunting area must be composed of contiguous parcels of at least 640 acres within a hunting area that is open to the public.
- Public license tags shall equate to the sum of the general methods elk license tags under Section 364 and the SHARE elk license tags under Section 364.1 for the corresponding hunt and for the same designation issued annually.

Amend subsection 555(b)

- (b)(1): Move the location in the regulation, and update the following regional office addresses:
 Region 3: 2825 Cordelia Rd, Suite 100 Fairfield 94594 (707) 428-2002
 Region 5: 3883 Ruffin Road, San Diego 92123 (858) 467-4201
 Region 6: 3602 Inland Empire Blvd., Ste C-220, Ontario 91764 (909) 484-0167

Clarify eligibility requirements regarding landownership as reiterated above for 555(a).

- Add (b)(2): This subsection is necessary for application materials to be clarified; these include the application form referenced in subsequent language, proof of ownership, proof of property size, and applicable fees.
- Add (b)(3): This subsection is necessary to list the information required within an application form that will be provided by the department. The requested information serves to provide the Department with necessary contact information, including name of first and second applicant, as well as the ability to cross reference to Department data systems (Driver's License number).
- (b)(4): Update the review and approval process, clarifying how lands will be verified.
- (b)(5): update a cross-reference to subsection 702 for elk license fees.
 The Reference section under "Note" is updated as the fees referenced in Section 702 require a cross reference to Fish and Game Code Section 713 for annual adjustment pursuant to the Implicit Price Deflator.

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in Section 555.

Add Section 555.1

- Describe and classify four "conflict zones"
- Reduce qualifying landowner criteria within identified conflict zones from 640 acres to 60 acres
- Increase antlerless tag distribution relative to public tags (general methods public elk tags + SHARE elk tags issued annually) from 20% to up to 100%
- Extend the hunt season through November 30th annually

Benefit of the Regulations:

Elk conflict exceeds tolerable levels in some areas. Elk almost exclusively occupy privately owned property in some hunt zones, causing significant conflict issues yet may be unavailable for harvest to a majority of general public tagholders. The efficacy of regulated harvest as a management tool in these areas may therefore be reduced due to land access constraints imposed on the general public, among other factors. Chronic, elevated human-elk conflict, elk occupation of predominantly private property, and limited public hunting access has been documented by the Department in the Siskiyou, Northwestern, Mendocino, and Tehachapi Elk Hunt Zones. Modifying regulations within an existing framework, Section 555 Cooperative Elk Hunting Areas, will provide increased hunting opportunities for qualifying landowners and serve to help reduce human-elk conflict.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing landowner tags (California Fish and Game Code Section 1575). No other state agency has the authority to adopt regulations governing landowner tags. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of landowner tag regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Section 708.14

The California Department of Fish and Wildlife (Department) manages deer, bighorn sheep, pronghorn antelope, and elk resources in California. Deer hunting tags, bighorn sheep hunting tags, pronghorn antelope hunting tags, and elk hunting tags are required to hunt these species in California. The Department distributes hunting tags for certain deer, bighorn sheep, pronghorn antelope, and elk annually via the big game drawing. Public demand for deer, bighorn sheep, pronghorn antelope, and elk hunting tags exceeds the available opportunities; therefore, a modified preference point system (Section 708.14) provides preference to hunters who have applied for, but not received, tags in past drawings. Each year a hunter applies for a deer, bighorn sheep, pronghorn antelope, or elk hunting tag and is not drawn, that hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the tag quota for deer, bighorn sheep, pronghorn antelope, and elk tags are allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

Proposed changes to subsection 708.14(j) would remedy a loophole issue in that hunters with few preference points can unduly benefit from hunters with many preference points to repeatedly get drawn for premium hunts by leveraging the party preference point system as currently written.

Under current regulations, junior license hunters may apply and be drawn for multiple premium tags. The addition of the apprentice tag rule is to prevent abuse of gaining preference points while simultaneously keeping a premium tag.

Currently the regulation language does not explicitly state that the entire tag including the carcass portion must be returned for point reinstatement. We propose to make this explicit. Finally, it is proposed that apprentice hunters must return both drawing tags in order to receive preference point reinstatement since they are allowed to enter the drawing twice.

The proposed changes are as follows:

1. The party preference point rule needs to be changed regarding how tags may be returned. Propose that for pre-season tag returns, individual party members may return tags only if their points are less than or equal to the party points average. For party members who have more

points than the party's point average, all members of the party must return their tags for point reinstatement.

2. Require a completed harvest report for postseason tag returns. Change wording to explicitly state that the entire tag needs to be returned (including carcass section) – otherwise the carcass section could be used illegitimately.
3. Apprentice hunters must return all premium first-choice tags to be eligible for preference points reinstatement since they can apply twice in the lottery and both tags carry full point value.
4. Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language has been made in this section.

Benefit of the Regulations:

The proposed regulation changes will make hunting opportunities more equitable and close loopholes that allow leveraging of the system.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing big game hunting (California Fish and Game Code Section 200). No other state agency has the authority to adopt regulations governing big game hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of big game hunting regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **April 4, 2024** 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 12, 2024**. 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, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **California Natural Resources Building, 715 P Street, Second Floor, Sacramento, California**, which will commence at **8:00 a.m.** on **February 14, 2024**, and may continue at **8:00 a.m.**, on **February 15, 2024**. 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 the 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 hearing to be held in **San Jose, California**, which will commence at **8:00 a.m. on April 17, 2024**, and may continue at **8:00 a.m., on April 18, 2024**. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than ten days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published on the Commission's website. 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 the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough 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, Box 944209, Sacramento, California 94244-2090, 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. **Regina Vu, Wildlife Regulations Coordinator, Department of Fish and Wildlife, regina.vu@wildlife.ca.gov, Brian Leo, Statewide Deer Coordinator, Department of Fish and Wildlife, brian.leo@wildlife.ca.gov, and Tom Batter, Elk and Pronghorn Coordinator, Department of Fish and Wildlife, thomas.batter@wildlife.ca.gov, have 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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:**

362: 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. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

363: 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.

364 and 364.1: 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. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

554: 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 deer landowner tags over the entire state, this proposal is economically neutral to business.

555: 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 elk landowner tags over the entire state, this proposal is economically neutral to business.

708.14: 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. The proposed amendments are economically neutral to business.

(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:

362: 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 Nelson bighorn sheep hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could benefit from small increases in sales. Conversely, if fewer tags are awarded and less hunters visit the areas in the state with decreased opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could be negatively affected from small decreases 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 recreational opportunities created by the proposed changes.

363: 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 pronghorn antelope hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to pronghorn antelope hunters could benefit from small increases in sales. Conversely, if fewer tags are awarded and less hunters visit the areas in the state with decreased opportunities, businesses that provide goods and services to pronghorn antelope hunters could be negatively affected from small decreases 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.

364 and 364.1: The Commission does not anticipate impacts on the creation or elimination of jobs or businesses within the State; no significant impacts to the creation of new business, the elimination of existing businesses, or the expansion of businesses in California are anticipated. The Commission does not anticipate direct benefits to the general health and welfare of California residents or to worker safety but anticipates benefits to the environment.

554: The Commission anticipates no impact on the creation or elimination of jobs within the state, 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 economic stimulus to the state.

555 and 555.1: The Commission anticipates no impact on the creation or elimination of jobs within the state, 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 economic stimulus to the state.

708.14: The Commission anticipates no impact on the creation or elimination of jobs within the state, 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 economic stimulus to the state.

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

362: The total net number of tags is anticipated to be same as the previous year, so no net economic impacts to individuals or to businesses that support Nelson bighorn sheep hunts are anticipated. As such, the Commission does not anticipate significant impacts on the representative private persons or businesses.

363: The Commission does not anticipate significant impacts on the representative private persons or businesses.

364 and 364.1: The Commission does not anticipate significant impacts on the representative private persons or businesses.

554: 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.

555 and 555.1: 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.

708.14: 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:

362: None.

363: The Department Wildlife program oversight, Law Enforcement Branch, and License and Revenue Branch work is projected to be unchanged from currently existing budgets and resources. However, the Department revenue is expected to decline with a reduced number of tags available in zones 3 and 5 (See STD399 and Addendum).

364 and 364.1: Non new costs/savings or change to federal funding are anticipated for state agencies. However, the Department is projected to experience higher elk tag sales that may result in revenue increases (see STD399 and Addendum).

554: None.

555: None.

708.14: None

(e) Nondiscretionary Costs/Savings to Local Agencies:

All: None.

(f) Programs Mandated on Local Agencies or School Districts:

All: 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:

All: None.

(h) Effect on Housing Costs:

All: 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 23, 2024

Melissa Miller-Henson
Executive Director