

Staff Summary for April 17-18, 2024

21. Mammal Hunting**Today's Item**Information Action

Consider adopting proposed amendments to mammal hunting regulations and taking final action under the California Environmental Quality Act (CEQA)

Summary of Previous/Future Actions

- | | |
|--|--------------------------|
| • Wildlife Resources Committee (WRC) vetting | May 17, 2023; WRC |
| • WRC discussion and recommendation | September 21, 2023; WRC |
| • Notice hearing | December 13-14, 2023 |
| • Discussion hearing | February 14-15, 2024 |
| • Today's adoption hearing | April 17-18, 2024 |

Background

At its December 2023 meeting, the Commission authorized publication of a notice of its intent to amend mammal hunting regulations. The notice was published in the California Regulatory Notice Register on February 2, 2024. The proposed changes affect several species and hunt programs, as well as regulations pertaining to preference points reinstatement:

- Section 362, Nelson bighorn sheep
 - Modify hunt tag quotas
- Section 363, Pronghorn antelope
 - Modify hunt tag quotas
- Sections 364 and 364.1, Elk and Shared Habitat Alliance for Recreational Enhancement (SHARE) elk hunting
 - Modify hunt tag quotas
 - Increase SHARE tag allocations in tandem with the modifications to Section 555
- Section 554, Cooperative deer hunting areas
 - Clarify application process
 - Limit the number of tags per landowner for zones X3a, X5a, and X5b.
- Sections 555 and 555.1, Cooperative elk hunting areas
 - Modify qualifying criteria and tag allocation within "conflict zones" in existing Section 555
 - Define conflict zones, increase hunting opportunity, and address chronically elevated levels of human-elk conflict on private property in a new Section 555.1
- Section 708.14, Big game license tag drawing system
 - Require junior hunters to return all first-choice tags to be eligible for preference points reinstatement

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- Require the carcass portion of tags to be included with harvest reports for point reinstatement
- Clarify how tag-holder-return requirements apply within the context of a hunting party.

The proposal also makes several non-substantive edits to regulatory language across the affected sections, such as corrections to spelling and grammar, corrections to addresses, updates to outdated language, and improvements in clarity.

When the Commission authorized notice, several sections where hunt tag quota changes were proposed contained ranges of tag amounts rather than finite quotas. Ranges were necessary because the collection and analysis of species data was not available at the time the Commission issued its notice. The Department completed its data collection and analysis in March of 2024. (Exhibit 24).

Department Recommendations

Based on its analysis of mammal populations, the Department has provided final recommendations on tag quotas for Nelson bighorn sheep (Exhibit 3), pronghorn antelope (Exhibit 8), and elk (Exhibit 12). All tag quotas for each species and associated hunt zones fall within the ranges publicly noticed by the Commission in February of 2024, except for those discussed below.

Necessity of Continuation Notices

At its February 2024 meeting, the Commission directed staff to explore ways to ensure that the Commission has the flexibility at its April 2024 meeting to either omit or include Siskiyou County and/or the Siskiyou Hunt Zone in the new section of regulation. The direction came as a result of concerns raised by the Siskiyou County Board of Supervisors regarding the proposal's original inclusion of the Siskiyou Hunt Zone as a "conflict zone" in Section 555.1 – Conflict Zone Cooperative Elk Hunting Areas. On April 5, 2024, the Commission sent a notice to interested and affected parties that included revised proposed regulatory language, providing an option that omits the Siskiyou Hunt Zone from the list of elk "conflict zones."

The Commission also included revisions to the tag quota ranges for pronghorn antelope in its April notice. The revisions expanded the proposed tag ranges for pronghorn antelope *Zone 3 – Likely Tables* from 15-25 tags to 0-25 tags for General Season Period 1 Buck and from 10-25 tags to 0-25 tags for General Season Period 2 Buck. Expansion of the ranges provided flexibility for the Commission to consider a lower tag quota for that species and zone, since it is below the range in the original notice. While most of the Department's tag quota recommendations throughout this proposal fall within the originally-noticed ranges, survey data for pronghorn antelope revealed drastically lower population numbers in the affected zone than the Department anticipated when recommending the original tag quota ranges.

On April 10, 2024, the Commission sent a subsequent notice that included another revision to Section 363; this revision changed the originally-noticed 15 tag allotment for *Zone 3 – Likely Tables Archery Only Season (Buck)* to a tag quota range of 0-15. The change to a range

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provides flexibility for the Commission to consider the Department's recommended tag quota since it is less than the quota originally noticed.

California Environmental Quality Act (By Species)

Section 362: Bighorn Sheep. An initial CEQA review of the proposed project was conducted in accordance with CEQA in 2019, and the Commission certified a *Final Environmental Document Regarding Bighorn Sheep Hunting* (SCH No. 2018112036). In the 2019 environmental document, the Commission assessed the then-proposed project's increase of 10 tags, creation of new hunt zones, and reallocation of a fundraising tag. In total, a range of between 0 and 42 bighorn sheep tags was assessed.

As lead agency, the Commission certified the 2019 environmental document and determined that adopting the regulations as proposed would not result in any new significant or substantially more severe environmental effects. The Commission adopted the proposed regulations.

The bighorn sheep tag quota ranges in the 2019 environmental document are the basis for the current proposal. All of the Department's recommended tag quotas fall within the previously analyzed ranges. Therefore, the Department drafted an addendum to the 2019 environmental document which Commission staff has evaluated and determined to be reflective of the independent judgment of the Commission. No new significant or substantially more severe impacts under CEQA than those analyzed and disclosed in the 2019 environmental document will occur due to this proposal. Details of the CEQA analysis and conclusions can be found in the addendum (Exhibit 4).

Section 363: Pronghorn Antelope. An initial CEQA review of the proposed project was conducted in accordance with CEQA in 2004, and the Commission certified a *Final Environmental Document Regarding Pronghorn Antelope Hunting* (SCH No. 2003112078). In the 2004 environmental document, the Commission assessed a pronghorn antelope tag allocation not to exceed 60 in the Mount Dome Hunt Zone; 80 in the Clear Lake Hunt Zone; 150 and 130 for Periods 1 and 2, respectively, in the Likely Tables Hunt Zone; 150 tags each in Periods 1 and 2 in the Lassen Hunt Zone; 150 tags in the Big Valley Hunt Zone; and 25 in the Surprise Valley Hunt Zone.

As lead agency, the Commission certified the 2004 environmental document and determined that adopting the regulations and tag quotas as proposed – within the assessed ranges in each hunt zone – would not result in any new significant or substantially more severe environmental effects. The Commission adopted the proposed regulations.

The pronghorn antelope tag quota ranges described in the 2004 environmental document are the basis for the current proposal. All of the Department's recommended tag quotas fall within the previously analyzed ranges. Therefore, the Department drafted an addendum to the 2004 environmental document which Commission staff has evaluated and determined to be reflective of the independent judgment of the Commission. No new significant or substantially more severe impacts under CEQA than those analyzed and disclosed in the 2004 environmental document will occur due to this proposal. Details of the CEQA analysis and conclusions can be found in the addendum (Exhibit 9).

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Sections 364, 364.1, 555 and 555.1: Elk. An initial CEQA review of the proposed project was conducted in accordance with CEQA in 2010, and the Commission certified a *Final Environmental Document Regarding Elk Hunting* (SCH number 2009112083) as part of its review and adoption of elk hunting regulations. In 2019, the Commission again amended elk hunting regulations and certified a final supplemental environmental document (SCH number 2018112037) which assessed an increase in the tag quota range in the Northwestern Elk Zone, concluding that it would not result in any new significant or substantially more severe environmental effects than previously identified by the Commission in 2010.

Most recently, in 2023 the Commission as lead agency adopted regulations: (1) amending elk hunting tag quotas in the Siskiyou and Northwestern hunt zones, adding 10 and 22 tags, respectively; (2) modifying the boundaries of the Bear Valley, Cache Creek, and La Panza hunt zones; and (3) creating the Gabilan, Central Coast, and Tehachapi hunt zones, adding 70 elk tags across these new zones. In adopting the regulations, the Commission determined that they would not result in any new significant or substantially more severe environmental impacts than previously analyzed in the 2010 and 2019 elk hunting environmental documents.

The Department has prepared an addendum to the 2019 elk supplemental environmental document which Commission staff has evaluated and determined to be reflective of the independent judgment of the Commission. Amending the current elk hunting regulations as proposed will not result in any new significant or substantially more severe environmental impacts than those previously analyzed and disclosed in the 2010 and 2019 elk hunting environmental documents. Details of the CEQA analysis and conclusions can be found in the addendum (Exhibit 13).

Significant Public Comments

1. A commenter opposes increases to Roosevelt elk tags in the Northwestern Hunt Zone. (Exhibit 25)
2. The Siskiyou County Fish and Game Commission opposes classifying the Siskiyou Hunt Zone as a “conflict zone” in the new Section 555.1, supports the existing SHARE program, and expresses concerns about the size of SHARE properties. The county advocates for a minimum acreage of 640 acres and allowing adjacent properties to combine acreage for a total size increase. (Exhibit 26)
3. A commenter opposes the entirety of the new proposed Section 555.1 and opposes increased tag allocations for Roosevelt elk on the grounds that elk are facing a number of threats, particularly an outbreak of treponeme-associated hoof disease, and therefore need conservative management to provide a population buffer against loss. (Exhibit 27)
4. The Agua Caliente Band of Cahuilla Indians supports sustainable hunting of bighorn sheep and pronghorn antelope as culturally important animals integral to the tribe’s economic, social, and religious fabric. (Exhibit 28)

Recommendation

Commission staff: Approve the revised projects pursuant to CEQA and adopt the regulations as recommended by the Department.

Department: Adopt the proposed regulations, including option 2 of Section 555.1, and the tag

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allocations as outlined in the pre-adoption memoranda.

Exhibits

1. [Initial statement of reasons \(ISOR\) for Section 362 – Bighorn sheep hunting](#)
2. [Noticed regulatory language \(Section 362\)](#)
3. [Department pre-adoption memo with recommended tag allocations, received April 11, 2024 \(Section 362\)](#)
4. [Addendum to 2019 *Final Environmental Document Regarding Bighorn Sheep Hunting*](#)
5. [ISOR for Section 363 – Pronghorn antelope hunting](#)
6. [Noticed regulatory language \(Section 363\)](#)
7. [Revised proposed regulatory language \(Section 363\)](#)
8. [Department pre-adoption memo with recommended tag allocations, received April 11, 2024 \(Section 363\)](#)
9. [Addendum to 2004 *Final Environmental Document Regarding Pronghorn Antelope Hunting*](#)
10. [ISOR for Sections 364 and 364.1 – Elk hunting](#)
11. [Noticed regulatory language \(Sections 364 and 364.1\)](#)
12. [Department pre-adoption memo with recommended tag allocations, received April 11, 2024 \(Sections 364 and 364.1\)](#)
13. [Addendum to 2019 *Supplemental Environmental Document to the 2010 Final Environmental Document Regarding Elk Hunting*](#)
14. [ISOR for Section 554 – Deer cooperative hunting](#)
15. [Noticed regulatory language \(Section 554\)](#)
16. [Department pre-adoption memo, received April 11, 2024](#)
17. [ISOR for Sections 555 and 555.1 - Elk cooperative hunting](#)
18. [Noticed regulatory language \(Sections 555 and 555.1\)](#)
19. [Revised proposed regulatory language \(Section 555.1\)](#)
20. [Pre-adoption statement of reasons \(PSOR\), received April 11, 2024 \(Section 555.1\)](#)
21. [ISOR for Section 708.14 – Preference points reinstatement](#)
22. [Noticed regulatory language \(Section 708.14\)](#)
23. [Department pre-adoption memo, received April 11, 2024 \(Section 708.14\)](#)
24. [Department presentation](#)
25. [Email from Phoebe Lenhart, received February 9, 2024](#)
26. [Letter from the Siskiyou County Fish and Game Commission, received February 12, 2024](#)
27. [Email from Marie Kyle, received April 1, 2024](#)
28. [Email from Timothy Wilcox, Tribal Archaeologist, Aqua Caliente Band of Cahuilla Indians, received April 3, 2024](#)

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Motion

Moved by _____ and seconded by _____ that the Commission, having considered the addenda and associated environmental documents, approves the revised projects pursuant to the California Environmental Quality Act, and adopts the proposed regulations and regulation changes related to mammal hunting as discussed today, including adoption of Option 2 for Section 555.1 to exclude the Siskiyou Hunt Zone.

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

Amend Sections 362
Title 14, California Code of Regulations
Re: Nelson bighorn sheep

I. Date of Initial Statement of Reasons: October 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2024

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

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

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in updating Nelson bighorn sheep regulations. Considerations include recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, authorizing methods of take, among others, to help achieve management goals and objectives for Nelson bighorn sheep. Section 362 provides descriptions of hunt zone boundaries, season opening and closing dates, and tag quotas (total number of hunting tags to be made available) for Nelson bighorn sheep. To maintain appropriate harvest levels and hunting quality, tags must be adjusted periodically in response to dynamic environmental, biological, and social conditions.

The proposed changes focus on Nelson bighorn sheep hunting tag quotas under Section 362(d). The last time these regulations were subject to major amendment was 2022-2023. The proposed amendments here represent the cumulation of the Department's internal discussions/data analysis. The proposed changes are necessary to maintain sustainable hunt opportunities, consistency with management unit plan recommendations, and Fish and Game Code. Subdivision (b)(2) of Fish and Game Code Section 4902 states the Commission may not adopt regulations authorizing the sport hunting in a single year of more than 15 percent of the mature Nelson bighorn rams in a single management unit, management recommendations are consistent with this mandate.

BACKGROUND

Current regulations in Section 362 specify Nelson bighorn sheep tag quotas for each hunt zone and establish hunt zone boundaries in accordance with management goals and objectives described in the management unit plans. The Department's goal is to increase bighorn sheep hunting opportunities where feasible and compatible with population objectives, in which case recommendations will be offered to the Commission.

CURRENT REGULATIONS

Current laws governing bighorn sheep hunting are as follows:

Section 362 provides 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 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.

PROPOSED REGULATIONS

The proposed changes to Section 362 include amending Subsection 362(d) to modify hunt tag quotas for each zone to ranges as identified in the 2019 Environmental Document on Bighorn Sheep Hunting. 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.

Additional changes are made in subsection 362(a) for punctuation and re-arrangement of certain language regarding the descriptions of the hunt zones adds clarity to how the hunt zone areas are described and consistency with other big game sections in Title 14.

Additional changes in subsection 362(b) clarify the duration of the hunt seasons per zone, and other corrections to punctuation throughout Section 362 are non-substantive.

(b) Goals and Benefits of the Regulation

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.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: 200, 203, 203.1, 265, 1050, and 4902 Fish and Game Code

Reference: 1050, 3950, and 4902 Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change:

- 2019 [Environmental Document Regarding Bighorn Sheep Hunting](#)

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- Wildlife Resources Committee, May 2023
- Wildlife Resources Committee, September 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

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

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing bighorn sheep hunting would remain unaddressed. The no change alternative was considered and rejected because it would not be consistent with maintaining bighorn sheep populations within desired population objectives. Subdivision (b) of Fish and Game Code Section 4902 and management unit plans specify desired harvest levels. Retaining the current tag quota for each zone may not be responsive to environmental and biological changes in the status of various herds. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental and biological conditions.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 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. 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.

- (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 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.

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

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.

- (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 Costs: None

VII. Economic Impact Assessment

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate impacts on the creation or elimination of jobs within the State.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate impacts on the creation of new business, the elimination of existing businesses within the state because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to stimulate demand for goods or services related to Nelson bighorn sheep hunting.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate impacts on the expansion of businesses currently doing business within the state because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to stimulate demand for goods or services related to Nelson bighorn sheep hunting.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans, and can be a family tradition and a bonding activity.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on worker safety.

(f) Benefits of the Regulation to the State's Environment

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of populations of Nelson bighorn sheep to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically tag quotas provides for the maintenance of Nelson bighorn sheep populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

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).

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.

Proposed Regulatory Language

Section 362, Title 14 CCR, is amended to read:

§ 362. Nelson Bighorn Sheep.

(a) Areas:

(1) ~~Zone 1—Marble/Clipper Mountains:~~ Zone 1 (Marble/Clipper Mountains)

(A) Area: ~~In that~~ That portion of San Bernardino County beginning at the intersection of Kelbaker Road and the National Trails Highway; north on Kelbaker Road to the junction with Interstate Highway 40; east on Interstate Highway 40 to the intersection with National Trails Highway; southwest on National Trails Highway to junction with Kelbaker Road.

(2) ~~Zone 2—Kelso Peak and Old Dad Mountains:~~ Zone 2 (Kelso Peak and Old Dad Mountains)

(A) Area: ~~In that~~ That portion of San Bernardino County beginning at the intersection of Kelbaker Road and the Union Pacific Railroad in Kelso; southwest along the Union Pacific Railroad to intersection with unnamed road at Crucero; north on unnamed road to the merging with Mojave Road; northeast on Mojave Road to the junction with Zzyzx Road; north on Zzyzx Road to intersection with Interstate Highway 15; northeast on Interstate Highway 15 to the intersection with Cima Road; south on Cima Road to the intersection with the Union Pacific Railroad in Cima; southwest on the Union Pacific Railroad to the intersection with Kelbaker Road in Kelso.

(3) ~~Zone 3—Clark and Kingston Mountain Ranges:~~ Zone 3 (Clark and Kingston Mountain Ranges)

(A) Area: ~~In that~~ That portion of San Bernardino and Inyo counties beginning at the intersection of Interstate Highway 15 and California State Highway 127 in Baker; north on California State Highway 127 to the junction with Old Spanish Gentry Road at Tecopa; southeast on Old Spanish Gentry Road to the junction with Furnace Creek Road; southeast on Furnace Creek Road to the junction with Mesquite Valley Road; north on Mesquite Valley Road to Old Spanish Trail Highway; north and east on Old Spanish Trail Highway to ~~the California/Nevada~~ California-Nevada state line; ~~southeast on California/Nevada along the California-Nevada~~ state line to the intersection with Interstate Highway 15; southwest on Interstate Highway 15 to the junction with California State Highway 127.

(4) ~~Zone 4—Orocopia Mountains:~~ Zone 4 (Orocopia Mountains)

(A) Area: ~~In that~~ That portion of Riverside County beginning at the intersection of Interstate Highway 10 and Cottonwood Springs Road; east on Interstate Highway 10 to the junction with Red Cloud Mine Road; south on Red Cloud Mine Road to the junction with the Eagle Mountain Mining Railroad; southwest on the Eagle Mountain Mining Railroad to the junction with the Bradshaw Trail; southwest on the Bradshaw Trail to the Intersection with the Coachella Canal; west along the Coachella Canal to the junction with Box Canyon Road; northeast on Box Canyon Road to the junction with Cottonwood Springs Road; north on Cottonwood Springs Road to the intersection with Interstate Highway 10.

(5) ~~Zone 5—San Gorgonio Wilderness:~~ Zone 5 (San Gorgonio Wilderness)

(A) Area: ~~In that~~ That portion of Riverside and San Bernardino counties beginning at the intersection of Interstate Highway 10 and California State Highway 62, west on Interstate Highway 10 to the junction with California State Highway 30; north on California State Highway 30 to the junction with California State Highway 38; east and north on California State Highway 38 to the junction with Forest Service Route 1N01; east on Forest Service Route 1N01 to its joining with Pipes Road; east on Pipes Road to the junction with Pioneertown Road; southeast on Pioneertown Road to the junction with California State Highway 62; southwest on California State Highway 62 to the intersection with Interstate Highway 10.

(6) ~~Zone 6—Sheep Hole Mountains:~~ Zone 6 (Sheep Hole Mountains)

(A) Area: ~~In that~~ That portion of San Bernardino County beginning at the junction of California State Highway 62 and Ironage Road; northwest on Ironage Road to the intersection with Amboy Road; north on Amboy Road to the intersection with National Trails Highway; east on National Trails Highway to the junction with Saltus Road; southeast on Saltus Road to the junction with unnamed road in Saltus that runs through Cadiz Valley; southeast on unnamed road to the intersection with California State Highway 62; west on California State Highway 62 to the junction with Ironage Road.

(7) ~~Zone 7—White Mountains:~~ Zone 7 (White Mountains)

(A) Area: ~~In that~~ That portion of Mono County within a line beginning at U.S. Highway 6 and the Mono–Inyo county line; northward on Highway 6 to the California–Nevada ~~State Line~~ state line; southeasterly along the California–Nevada ~~State Line~~ state line to the Mono–Inyo ~~County Line~~ county line; westward along the Mono–Inyo ~~County Line~~ county line to the point of beginning.

(8) ~~Zone 8—South Bristol Mountains:~~ Zone 8 (South Bristol Mountains)

(A) Area: ~~In that~~ That portion of San Bernardino County beginning at the junction of Kelbaker Road and the National Trails Highway; west on the National Trails Highway to the intersection with Interstate Highway 40; east on Interstate Highway 40 to the junction with Kelbaker Road; south on Kelbaker Road to the point of beginning.

(9) ~~Zone 9—Cady Mountains:~~ Zone 9 (Cady Mountains)

(A) Area: ~~In that~~ That portion of San Bernardino County beginning at the junction of Interstate Highway 40 and Newberry Road; north on Newberry Road to intersection with Riverside Road; ~~East~~east on Riverside Road to junction with Harvard Road; north on Harvard Road to junction with Interstate Highway 15; northeast on Interstate Highway 15 to junction with Basin Road; south on Basin Road to intersection with Union Pacific Railroad; east ~~on~~ along Union Pacific Railroad to intersection with Crucero Road; south on Crucero Road to intersection with Interstate Highway 40; west on Interstate Highway 40 to the point of beginning.

(10) ~~Zone 10—Newberry, Rodman and Ord Mountains:~~ Zone 10 (Newberry, Rodman, and Ord Mountains)

(A) Area: ~~In that~~ That portion of San Bernardino County beginning at the junction Interstate 40 and Barstow Road; ~~South~~ south on Barstow Road to the junction with Northside Road; ~~East~~ east on Northside Road to the intersection with Camp Rock Road; ~~Northeast~~ northeast on Camp Rock Road to the intersection with Powerline Road; ~~East~~ east on Powerline Road ~~and continue on to~~ Transmission Line Road to the intersection with Interstate 40, ~~West along Interstate 40,~~; west on Interstate 40 to the point of the beginning.

(b) Seasons:

(1) Open Zone ~~Fund-raising~~ Fundraising Tag: The holder of the ~~fund-raising~~ fundraising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) Zones 1 through 4, 6, 8 and 9: Beginning the first Saturday in November and extending through the first Sunday in February.

(B) Zone 5: Beginning the third Saturday in November and extending through the third Sunday in February.

(C) Zone 7: Beginning the first Saturday in August and extending through the last Sunday in September.

(2) Marble/Clipper/South Bristol Mountains ~~Fund-raising~~ Fundraising Tag: The holder of the ~~fund-raising~~ fundraising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) Zones 1 and 8: Beginning the first Saturday in November and extending through the first Sunday in February.

(3) Cady Mountains ~~Fund-raising~~ Fundraising Tag: The holder of the ~~fund-raising~~ fundraising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) Zone 9: Beginning the first Saturday in November and extending through the first Sunday in February.

(4) Except as provided in subsection 362(b)(1), the Nelson bighorn sheep season in the areas described in subsection 362(a) shall be defined as follows:

(A) Zones 1, 2, 3, 4, 6, 8, 9, and 10: Beginning the ~~The~~ first Saturday in December and ~~extend~~ extending through the first Sunday in February.

(B) Zone 5: Beginning the ~~The~~ third Saturday in December and ~~extend~~ extending through the third Sunday in February.

(C) Zone 7: Beginning the third Saturday in August and extending through the last Sunday in September.

(5) Except as specifically provided in section 362, the take of bighorn sheep is prohibited.

(c) Bag and possession Limit: One mature ram defined as follows: a male Nelson bighorn sheep (*Ovis canadensis nelsoni*) having at least one horn, the tip of which extends beyond a point in a straight line beginning at the front (anterior) edge of the horn base, and extending downward through the rear (posterior) edge of the visible portion of the eye and continuing downward through the horn. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing. A diagram showing the correct viewing procedure shall be distributed by the department to each successful applicant.

(d) Number of License Tags:

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Tag Allocation</i>
Zone 1 – Marble/Clipper Mountains	4 <u>0-5</u>
Zone 2 – Kelso Peak/Old Dad Mountains	4 <u>0-2</u>
Zone 3 – Clark/Kingston Mountain Ranges	4 <u>0-4</u>
Zone 4 – Orocopia Mountains	4 <u>0-2</u>
Zone 5 – San Gorgonio Wilderness	0 <u>0-3</u>
Zone 6 – Sheep Hole Mountains	0 <u>0-2</u>
Zone 7 – White Mountains	6 <u>0-6</u>
Zone 8 – South Bristol Mountains	2 <u>0-3</u>
Zone 9 – Cady Mountains	2 <u>0-4</u>
Zone 10 – Newberry, Rodman, Ord Mountains	6 <u>0-6</u>
Open Zone Fund-Raising Fundraising Tag	1 <u>0-1</u>
Marble/Clipper/South Bristol Mountains Fundraising Fund-Raising Tag	1 <u>0-1</u>
Cady Mountains Fund-Raising Fundraising Tag	1 <u>0-1</u>
Total:	26 <u>0-42</u>

(e) Conditions:

(1) Nelson bighorn rams shall only be taken between one-half hour before sunrise and one-half hour after sunset.

(2) Only methods specified in sections 353 and 354, Title 14, CCR, for taking bighorn sheep may be used.

(3) Each tagholder shall possess a spotting telescope capable of magnification of 15 power (15X), which is not affixed to a rifle, while hunting.

(4) Successful general tagholders shall present the head and edible portion of the carcass of a bighorn ram to the department’s checking station within 48 hours after killing the animal. All successful tagholders shall notify the department’s Bishop office by telephone at (760) 872-1171 or (760) 872-1346 within 24 hours of killing the animal and arrange for the head and carcass to be examined.

(5) All successful bighorn sheep tagholders shall make the horns of each ram available to the department to be permanently marked in the manner prescribed by the department for identification purposes within 48 hours of killing the animal. The purpose of the permanent marking shall be to identify Nelson bighorn rams which were legally taken and which may be transported and possessed outside the areas described in subsection 362(a).

(6) The department reserves the right to take and use any part of the tagholder's bighorn ram, except the horns, for biological analysis as long as no more than one pound of edible meat is removed.

NOTE: Authority cited: Sections 200, 203, 203.1, 265, 1050 and 4902, Fish and Game Code.
Reference: Sections 1050, 3950 and 4902, Fish and Game Code.

Memorandum

Date: April 10, 2024

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 17-18, 2024, Fish and Game Commission Meeting**
Re: Nelson Bighorn Sheep Hunting – Pre-Adoption Memo

The Department of Fish and Wildlife (Department) has prepared this Memorandum to transmit its final recommended tag allocations for Nelson bighorn sheep hunting for the 2024-2025 season. The Department is not recommending changes to the proposed regulatory language in the original public notice, and all tag allocation recommendations fall within the proposed tag range included in the notice.

The Department recommends the Commission adopt the proposed rulemaking for Nelson bighorn sheep hunting with the tag allocations listed below.

362(d) Number of License Tags

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>2023-2024 Tag Allocation</i>	<i>2024-2025 Proposed Tag Range</i>	<i>2024-2025 Recommended Tag Allocation</i>
Zone 1 – Marble/Clipper Mountains	1	0-5	1
Zone 2 – Kelso Peak/Old Dad Mountains	1	0-2	2
Zone 3 – Clark/Kingston Mountain Ranges	4	0-4	3
Zone 4 – Orocopia Mountains	1	0-2	1
Zone 5 – San Geronio Wilderness	0	0-3	0
Zone 6 – Sheep Hole Mountains	0	0-2	1
Zone 7 – White Mountains	6	0-6	4
Zone 8 – South Bristol Mountains	2	0-3	1
Zone 9 – Cady Mountains	2	0-4	2
Zone 10 – Newberry, Rodman, Ord Mountains	6	0-6	6
Open Zone Fundraising Tag	1	0-1	1
Marble/Clipper/South Bristol Mountains Fundraising Tag	1	0-1	0
Cady Mountains Fundraising Tag	1	0-1	1

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<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>2023-2024 Tag Allocation</i>	<i>2024-2025 Proposed Tag Range</i>	<i>2024-2025 Recommended Tag Allocation</i>
Total:	26	0-42	23

If you have any questions on this item, please contact Scott Gardner, Wildlife Branch Chief, via phone at (916) 801-6257.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Scott Gardner, Branch Chief
Wildlife Branch
Department of Fish and Wildlife

Robert Pelzman, Captain
Law Enforcement Division
Department of Fish and Wildlife

Mario Klip, Game Conservation and Wildlife
Connectivity Program Manager
Wildlife Branch
Department of Fish and Wildlife

Dr. Tom Batter, Elk and Pronghorn Coordinator
Wildlife Branch
Department of Fish and Wildlife

Regina Vu, Regulations Specialist
Wildlife Branch
Department of Fish and Wildlife

Ona Alminas, Env. Program Manager
Regulations Unit
Department of Fish and Wildlife

Chelle Temple-King, Senior Regulatory Analyst
Regulations Unit
Department of Fish and Wildlife

David Thesell, Program Manager
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

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Ari Cornman, Wildlife Advisor
Fish and Game Commission

ANALYSIS OF THE 2024 BIGHORN SHEEP HUNTING REGULATIONS

ADDENDUM

to the 2019 ENVIRONMENTAL DOCUMENT

REGARDING BIGHORN SHEEP HUNTING

prepared by the

STATE OF CALIFORNIA

NATURAL RESOURCES AGENCY

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on behalf of

CALIFORNIA FISH AND GAME COMMISSION

as

LEAD AGENCY UNDER THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

for the

REGULARY NOTICED RULEMAKING ACTION TO AMEND

SECTION 362 BIGHORN SHEEP

TITLE 14, CALIFORNIA CODE OF REGULATIONS

2024 HUNTING SEASON

(OAL Notice File No. 2024-0123-07)

INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., to inform consideration by the California Fish and Game Commission (Commission) of proposed amendments to existing regulations governing bighorn sheep hunting in California. (California Code of Regulations (CCR), Title 14, Section 362.) Fish and Game Code (F&G Code), Section 3950(b) designates Nelson bighorn sheep as a game mammal in California. F&G Code Section 203 authorizes the Commission to fix the area or areas, seasons and hours, bag and possession limit, sex, and total number of bighorn sheep that may be taken pursuant to its regulations. F&G Code Section 203.1 requires the Commission to consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts when establishing hunting regulations for bighorn sheep. The Commission establishes bighorn sheep hunting tag quotas through regulations amended annually, as needed, based on current population estimates derived from surveys by CDFW.

The Commission serves as the CEQA lead agency when it promulgates and amends the bighorn sheep hunting regulations. (Public Resources Code, Section 21067; CEQA Guidelines Section 15367.)¹ The Commission established maximum tag quotas for all bighorn sheep hunting zones in California in 2019 with the certification of a Final Environmental Document under CEQA (2019 Bighorn Sheep Hunting ED) (SCH No. 2018112036). The 2019 Bighorn Sheep ED provides relevant and important informational value as the Commission as CEQA lead agency considers proposed amendments to the existing regulations for bighorn sheep hunting in California. In 2023, an addendum documented the Commission's consideration of adjusting tag quotas for the 2023-2024 hunt season and subsequently determined that the adjustments would have no additional effects than previously analyzed in the 2019 Bighorn Sheep Hunting ED. This addendum documents the Commission's consideration of related environmental effects for 2024 and subsequent hunt seasons.

EARLIER PROJECT APPROVAL

CEQA review of the proposed project was conducted in accordance with the Commission's certified regulatory program approved by the Secretary for the California Natural Resources Agency pursuant to Public Resources Code Section 21080.5 (See generally Title 14, CCR, Sections 781.5 and 15251(b)). CEQA requires all public agencies in the State to evaluate the environmental impacts of discretionary projects

¹ The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

they propose to carry out or approve, including promulgating regulations, which may have a potential to significantly affect the environment.

In 2019, the Commission certified a Final Environmental Document Regarding Bighorn Sheep Hunting (2019 Bighorn Sheep Hunting ED) (SCH No. 2018112036) as the lead agency under CEQA as part of the Commission’s review and adoption of the Bighorn Sheep Hunting regulations which focused on the potential for significant environmental impacts from 1) an increase in the tag quota ranges for Marble Mountains Hunt Zone by one tag, the Clark/Kingston Mountain Range Hunt Zone by two tags, and the White Mountains Hunt Zone by one tag; 2) increasing the individual tag quotas in other zones within previously analyzed quota ranges; 3) establishing a new hunt zone in the Newberry, Rodman, and Ord Mountains; and 4) reallocating a fundraising tag. The Commission considered the proposed project increase of 10 tags and two alternatives. The Commission as lead agency certified the ED and determined adoption of the amended regulations as proposed would not result in any new significant or substantially more severe environmental effects. The Commission approved the increase of 10 tags for the 2019-20 bighorn sheep hunting regulations.

PROPOSED 2024 TAG ALLOCATIONS FOR THE MARBLE AND CLIPPER MOUNTAINS HUNT ZONE

The bighorn sheep tag quota ranges described in the 2019 Bighorn Sheep Hunting ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 bighorn sheep hunting season by the Commission are based on survey data collected by the Department in its survey efforts. Data collection and analyses for hunt zones was completed in March of 2024, resulting in the below proposed tag allocations.

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>2019 ED Tag Allocation Range</i>	<i>2024 Proposed Tag Allocation</i>
Zone 1 – Marble/Clipper Mountains	0-5	1
Zone 2 – Kelso Peak/Old Dad Mountains	0-2	2
Zone 3 – Clark/Kingston Mountain Ranges	0-4	3
Zone 4 – Orocopia Mountains	0-2	1
Zone 5 – San Gorgonio Wilderness	0-3	0
Zone 6 – Sheep Hole Mountains	0-2	1
Zone 7 – White Mountains	0-6	4
Zone 8 – South Bristol Mountains	0-3	1
Zone 9 – Cady Mountains	0-4	2
Zone 10 – Newberry, Rodman, Ord Mountains	0-6	6
Open Zone Fundraising Tag	0-1	1
Marble/Clipper/South Bristol Mountains Fundraising Tag	0-1	0

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>2019 ED Tag Allocation Range</i>	<i>2024 Proposed Tag Allocation</i>
Cady Mountains Fundraising Tag	0-1	1
Total:	0-40	23

The 2024 proposed tag allocation falls within the previously analyzed range. Therefore, there are no new significant or substantially more severe impacts from amending the bighorn sheep hunt regulations to reduce tags in the Marble and Clipper Mountains.

NO SUBSEQUENT ENVIRONMENTAL DOCUMENT IS REQUIRED

In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project. (Public Resources Code Section 21080(a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a Final Environmental Document was prepared and certified:

“The lead agency or a responsible agency shall prepare an **addendum** to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred.” (Title 14, CCR, Section 15164)

- A Subsequent Environment Document (Section 15162) when there is substantial evidence that:
 - Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document (ED).
 - Substantial changes occur with respect to the circumstances under which the project is being undertaken, which will require major revisions to the previous EIR or environmental documentation.
 - New information, which was not known and could not have been known at the time the previous EIR or ED was certified as complete, becomes available.
- A Supplement to an Environment Document (Section 15163) when:
 - A subsequent ED is not required.
 - Only minor changes to the project are described.
 - Only that information to make the ED adequate is provided.
- An Addendum to the Certified ED (Section 15164) is proper when:
 - The changes or additions presented in this project are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent ED have occurred.

- The Commission may properly prepare and may rely on an addendum in accordance with Section 15164 to fulfill its obligations under CEQA.

NO ADDITIONAL IMPACTS UNDER CEQA


The Commission has determined that amending the current bighorn sheep hunting regulations based on annual survey results will not result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in the 2019 Bighorn Sheep ED for this project.

This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species.

This approval action adjusts the previous year tag quotas based on more current population information. No other aspect of the project is changed. No new significant or substantially more severe impacts under CEQA will occur due to this change.

AMENDMENT OF THE BIGHORN SHEEP HUNTING REGULATIONS

In conclusion, the Commission finds that amending the bighorn sheep hunt regulations in Title 14, CCR, Section 362, will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2019 Bighorn Sheep Hunting ED. The Commission also finds that subsequent or supplemental review beyond this Addendum is not warranted pursuant to the Title 14, Section 15164, in connection with this proposed action.



Melissa Miller-Henson, Executive Director
California Fish and Game Commission

April 12, 2024

Date

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

Amend Section 363
Title 14, California Code of Regulations
Re: Pronghorn Antelope

I. Date of Initial Statement of Reasons: October 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2023

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

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

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in updating pronghorn antelope regulations. Considerations include recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, authorizing methods of take, among others, to help achieve management goals and objectives for pronghorn antelope. Section 363 provides descriptions of hunt zone boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only, apprentice), tag designations (buck, doe), tag quotas (total number of hunting tags to be made available), bag and possession limits, and special conditions for pronghorn antelope. To maintain appropriate harvest levels and hunting quality, tags must be adjusted periodically in response to dynamic environmental, biological, and social conditions.

The proposed changes focus on pronghorn antelope tag quotas under subsection 363(m). The last time these regulations were subject to major amendment was 2020-2021. The proposed amendments here represent the cumulation of the Department's internal discussion/data analysis. The proposed changes are necessary to maintain appropriate harvest levels.

BACKGROUND

The goal of the Department's pronghorn antelope program is to maintain viable, healthy pronghorn populations, provide a variety of recreational activities, including harvest

opportunity, and to minimize conflicts with humans (Pyshora 1982, California Department of Fish and Game [CDFG] 2004). A limited number of pronghorn antelope hunting tags are offered annually via the Big Game Drawing, and public demand for pronghorn antelope hunting tags has annually exceeded tag availability for the last ten years. In addition to harvest opportunity, public pronghorn antelope hunting also provides data that enhances the Department's ability to monitor pronghorn antelope populations including spatial, age, genetic, and disease information.

CURRENT REGULATIONS

Current regulations provide descriptions of hunt zone boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only, apprentice), tag designations (buck, doe), tag quotas (total number of hunting tags to be made available), bag and possession limits, and special conditions for pronghorn antelope. Individuals are awarded a pronghorn antelope hunting tag through the Department's Big Game Drawing.

PROPOSED REGULATIONS

The proposed regulations amend subsection 363(m) to adjust hunting tag numbers across all six hunt zones. While the observed range wide buck (bb) -doe (dd) ratio (42 bb:100dd) is above objective (24bb:100dd), fawn-doe ratios, hunter harvest success, and age-at-harvest data suggest pronghorn antelope populations may be declining in Hunt Zone 3 – Likely Tables and Hunt Zone 5 – Big Valley (Batter 2023). Data for other hunt zones suggest populations may be relatively stable. Proposed regulations are in compliance with CDFW's Pronghorn Antelope Management Plan (Pyshora 1982, Sommer 2012). The proposed amendment to the number of pronghorn antelope hunting tags in subsection 363(m) is necessary to allow for a biologically appropriate harvest of bucks in the pronghorn antelope populations and will achieve/maintain buck ratios at or above the 24bb:100dd objective in relation to population abundance/trends as described in the appropriate management plans and related documents (Pyshora 1982, Sommer 2012, Batter 2023). Proposed tag quota ranges provided in Table 1 are the recommendations of the Department and are within conservative ranges identified in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting (CDFG 2004). Administrative procedures and the Fish and Game Code require the Commission to receive proposed changes to existing regulations prior the completion of surveys and analyses, thus necessitating the proposed range of tags per zone. Analyses are scheduled for completion by March 2024.

Additional changes are made in subsection 363 for punctuation and re-arrangement of certain language regarding the descriptions of the hunt zones adds clarity to how the hunt zone areas and seasons are described and consistency with other big game sections in Title 14. Additional changes include corrections for gender neutral language, updates to the Department's name, and other corrections to punctuation throughout Section 363 are non-substantive.

Section 363(m).

The regulatory changes the Department is proposing are described below by subsection.

The proposed changes to Section 363 include the following:

- Amend subsection 363(m) to modify tag quotas as ranges for general season pronghorn antelope Period 1 and Period 2 (Table 1, Table 2).

The Department recommends decreasing tag quotas for Hunt Zones 3 and 5 (Likely Tables Period 1 and Period 2 and Big Valley), respectively, to adjust for reduced population abundance and depressed productivity (low fawn ratios). Adjustments in other zones may also be recommended as appropriate. The final recommended number of tags will be based upon findings from annual harvest, summer composition counts, and 2023–2024 winter abundance estimates.

Table 1. Subsection 363(m) with proposed tag ranges for pronghorn antelope to begin with the 2024 hunt season. Parenthetical values next to ranges indicate the current condition. Numbers without ranges indicate no change from the current condition is proposed. Final recommendations will be made after completion of winter abundance surveys.

Hunt Area	Archery-Only Season Buck	Archery-Only Season Doe	General Season Period 1 Buck	General Season Period 1 Doe	General Season Period 1 Apprentice Either-Sex	General Season Period 2 Buck	General Season Period 2 Doe	Fundraising
Zone 1 - Mount Dome	0	0	0-5	0	N/A	0	0	0
Zone 2 - Clear Lake	1	0	5-15	0	N/A	0	0	0
Zone 3 - Likely Tables	15	0	15-25	0	5	10-25	0	0
Zone 4 - Lassen	5	0	25-50	0	5	25-50	0	0
Zone 5 - Big Valley	1	0	5-20	0	1	0	0	0
Zone 6 - Surprise Valley	1	0	10-15	0	4	0	0	0
Zones 1-6	0	0	0	0	0	0	0	2

Table 2. Current buck tag quota (2023), proposed buck tag quota range (2024), and the potential net change from the current and proposed conditions for general season pronghorn antelope tag quota adjustments.

Hunt Code	Hunt Zone	2023	2024	Potential Net Change
710	Zone 1 – Mount Dome	2	0-5	-2, +3
720	Zone 2 – Clear Lake	15	5-15	-10, +0
730	Zone 3 – Likely Tables Period 1	25	15-25	-10, +0
732	Zone 3 – Likely Tables Period 2	25	10-25	-15, +0
740	Zone 4 – Lassen Period 1	35	25-50	-10, +15
742	Zone 4 – Lassen Period 2	35	25-50	-10, +15
750	Zone 5 – Big Valley	20	5-20	-15, +0
760	Zone 6 – Surprise Valley	10	10-15	-0, +5
	Total General Tags	167		-65, +18

(b) Goals and Benefits of the Regulation

The proposed regulations will contribute to the sustainable management of pronghorn antelope populations in California. Population objectives are maintained and managed in part by periodically modifying the number of hunting tags distributed.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 204, 219, 331, 1050, and 10502, Fish and Game Code

Reference: Sections 331, 1050, 10500, and 10502, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change

Batter, T.J. 2023. Summary report on pronghorn antelope road composition surveys in northeastern California, July 2023. West Sacramento, CA. 11 pp.

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213789>

CDFG (California Department of Fish and Game). 2004. Final environmental document regarding pronghorn antelope hunting. Sacramento, CA. 91 pp.

Pyshora, L. 1982. Pronghorn antelope management plan. California Department of Fish and Game. Redding, CA. 122 pp. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216423>

Sommer, M. 2012. 2012 California pronghorn antelope status report and management plan update. Sacramento, CA. 48 pp. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=216424>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- Wildlife Resources Committee, May 2023
- Wildlife Resources Committee, September 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

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

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing subsection 363(m) would remain unaddressed. Retaining the current number of tags for the hunts listed would not be responsive to changes in population status. The pronghorn antelope management plan specifies objective levels for pronghorn numbers and the proportion of bucks in the herds. These numbers and ratios are maintained and managed in part by modifying the number of tags allocated for hunting. The “no change” alternative would not allow management of the desired proportion of bucks stated in the pronghorn management plan (Pyshora 1982).

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The maximum number of tags available in the proposed

range is at or below the number of tags analyzed in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting.

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 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 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.

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

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

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

(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

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate impacts on the creation or elimination of jobs within the state.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate impacts on the creation of new business, the elimination of existing businesses within the state because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to stimulate demand for goods or services related to pronghorn antelope hunting.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate impacts on the expansion of businesses currently doing business within the state because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to stimulate demand for goods or services related to pronghorn antelope hunting.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans, and can be a family tradition and a bonding activity.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on worker safety.

(f) Benefits of the Regulation to the State's Environment

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of populations of pronghorn antelope to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically based pronghorn antelope seasons and tag quotas provides for the maintenance of pronghorn antelope populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

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).

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.

Proposed Regulatory Language

Section 363, Title 14 CCR, is amended to read:

§ 363. Pronghorn Antelope.

The Lava Beds National Monument and Federal and State Game Refuges lying within ~~the a~~ given pronghorn hunt boundary are closed to pronghorn antelope hunting, except for the state's Hayden Hill (1S) and Blacks Mountain (1F) game refuges in Lassen County and the Clear Lake National Wildlife Refuge in Modoc County. Refer to subsection 363(b)(5) for special conditions for permission to enter and hunt pronghorn antelope in the Clear Lake National Wildlife Refuge.

(a) ~~Zone 1—Mount Dome:~~ Zone 1 (Mount Dome):

(1) Area: That portion of Siskiyou County within a line beginning at the junction of Interstate 5 and the California-Oregon state line; east along the California-Oregon state line to ~~the~~ Ainsworth Corners-Lava Beds National Monument Road; south ~~along~~ on ~~the~~ Ainsworth Corners-Lava Beds National Monument Road to ~~the~~ Mammoth Crater-Medicine Lake Road; southwest ~~along~~ the on Mammoth Crater-Medicine Lake Road to ~~the~~ Medicine Lake-Telephone Flat Road; east and south ~~along~~ the on Medicine Lake-Telephone Flat Road to ~~the~~ Telephone Flat-Bartle Road; southwest ~~along~~ the on Telephone Flat-Bartle Road to Highway 89; west ~~along~~ on Highway 89 to Interstate 5; north ~~along~~ on Interstate 5 to the California-Oregon state line to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(b) ~~Zone 2—Clear Lake:~~ Zone 2 (Clear Lake):

(1) Area: Those portions of Modoc and Siskiyou counties within a line beginning at the junction of the Lava Beds National Monument Road and the California-Oregon state line at Ainsworth Corners; east along the California-Oregon state line to ~~the~~ Crowder Flat Road; south ~~along~~ the on Crowder Flat Road to Modoc County Road 73; south ~~along~~ on Modoc County Road 73 to Modoc County Road 136; west ~~along~~ on Modoc County Road 136 to ~~the~~ Blue Mountain-Mowitz Road; west and south ~~along~~ the on Blue Mountain-Mowitz Road to ~~the~~ Deadhorse Flat-Badger Well Road; southwest ~~along~~ the on Deadhorse Flat-Badger Well Road to ~~the~~ Badger Well-Browns Well Road; south ~~along~~ the on Badger Well-Browns Well Road to ~~the~~ Sorholus Tank-Hackamore Road; southwest ~~along~~ the on Sorholus Tank-Hackamore Road to Highway 139; southeast ~~along~~ on Highway 139 to Modoc County Road 91; south ~~along~~ on Modoc County Road 91 to ~~the~~ Mud Lake-Mud Springs Road; west ~~along~~ the on Mud Lake-Mud Springs Road to ~~the~~ North Main Road; southwest ~~along~~ the on North Main Road to ~~the~~ Long Bell-Iodine Prairie Road at Long Bell Forest Service Station; northwest ~~along~~ the on Long Bell-Iodine Prairie Road to ~~the~~ Bartle-Telephone Flat Road; north ~~along~~ the on Bartle-Telephone Flat Road to ~~the~~ Telephone Flat-Medicine Lake Road; north and west ~~along~~ the on Telephone Flat-Medicine Lake Road to ~~the~~ Medicine Lake-Mammoth Crater Road; northeast ~~along~~ the on Medicine Lake-Mammoth Crater Road to ~~the~~ Lava Beds National

Monument-Ainsworth Corners Road; north ~~along the on~~ Lava Beds National Monument-Ainsworth Corners Road to the California-Oregon state line to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: The special regulations regarding the Peninsula "U" portion of the Clear Lake National Wildlife Refuge are summarized as follows:

(A) The area will be open on weekends and holidays only during the general season.

(B) Permission to enter this area must be obtained at the gate entrance located on the Clear Lake Road. Hunters for this area will be selected by public drawing. Persons selected for pronghorn antelope tags for Zone 2 (Clear Lake) may apply for this drawing by submitting an application upon receipt of their license tag to the ~~Department of Fish and Game~~ Department of Fish and Wildlife, 601 Locust Street, Redding, CA 96001. Applicants may apply as a party of two. Applications shall consist of the following: a standard U.S. Postal Service postcard with the applicant's tag number, name, address, city, zip code, area code, telephone number, and the notation "Application for Pronghorn Antelope Hunt Access Permit, Clear Lake Peninsula." Applications must reach the Redding office before the close of the business day on the first Friday in August. Successful applicants will be notified. A two-party application will not be split. The specific number of hunters will be determined each year by the Department. No more than five hunters will be allowed on the area at any one time unless a party of two is drawn for the fifth place. If the fifth place is the first member of a party, then no more than six hunters will be allowed on the area at any time.

(C) The gate entrance will be open from 6:00 a.m. to one hour after sunset.

(D) The fence near the gate entrance constitutes the south boundary of the area.

(E) The specific number of pronghorn antelope to be taken from this area is determined by the number of pronghorn antelope present. This area will be closed once this number is reached.

(c) ~~Zone 3—Likely Tables:~~ Zone 3 (Likely Tables):

(1) Area: Those portions of Modoc and Lassen counties within a line beginning at the junction of the Crowder Flat Road and the California-Oregon state line; east along the California-Oregon state line to the crest of the Warner Mountains; south along the crest of the Warner Mountains to the Summit Trail at Pepperdine Camp; south along the Summit Trail to the South Warner Road near Patterson Forest Service Station; west along the South Warner Road to ~~the~~ Long Valley-Clarks Valley Road; south ~~along the on~~ Long Valley-Clarks Valley Road to ~~the~~ Clarks Valley-Madeline Road; west ~~along the on~~ Clarks Valley-Madeline Road to Highway 395 at the town of Madeline; north ~~along on~~ Highway 395 to ~~the~~ Madeline-Adin Road; northwest ~~along the on~~ Madeline-Adin Road to ~~the~~ Hunsinger Draw-Sweagert Flat Road; east and north ~~along the on~~ Hunsinger Draw-Sweagert Flat Road to ~~the~~ Sweagert Flat-Hunters Ridge Road; north and west ~~along the on~~ Sweagert Flat-Hunters Ridge Road to Highway 299 near Lower Rush Creek Recreation Site; north ~~along on~~ Highway 299 to ~~the~~ Canby Bridge-Cottonwood Flat Road; northwest ~~along the on~~ Canby Bridge-Cottonwood Flat

Road to ~~the~~ Cottonwood Flat-Happy Camp Road; northwest ~~along the~~ on Cottonwood Flat-Happy Camp Road to Modoc County Road 91; north ~~along~~ on Modoc County Road 91 to Highway 139; north ~~along~~ on Highway 139 to ~~the~~ on Hackamore-Sorholus Tank Road; northeast ~~along the~~ on Hackamore-Sorholus Tank Road to ~~the~~ Browns Well-Badger Well Road; north ~~along the~~ on Browns Well-Badger Well Road to ~~the~~ Badger Well-Deadhorse Flat Road; northeast and east ~~along the~~ on Badger Well-Deadhorse Flat Road to ~~the~~ Mowitz-Blue Mountain Road; north and east ~~along the~~ on Mowitz-Blue Mountain Road to Modoc County Road 136; east ~~along~~ on Modoc County Road 136 to Modoc County Road 73; north ~~along~~ on Modoc County Road 73 to ~~the~~ Crowder Flat Road; north ~~along the~~ on Crowder Flat Road to the California-Oregon state line, to the point of beginning.

(2) Seasons:

(A) Period One of the general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days. Period Two of the general season shall open on the first Saturday in September and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the earliest general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(d) ~~Zone 4—Lassen:~~ Zone 4 (Lassen):

(1) Area: Those portions of Lassen, Plumas and Shasta counties within a line beginning at the ~~junction~~ intersection of Highway 36 and ~~the~~ Juniper Lake Road in the town of Chester; north ~~along the~~ on Juniper Lake Road to the Lassen National Park boundary; north and west along the Lassen National Park boundary to Highway 89; north ~~along~~ on Highway 89 to U.S. Forest Service Road 22 near the Hat Creek Ranger Station; east ~~along~~ on U.S. Forest Service Road 22 to U.S. Forest Service Road 35N06; east and north ~~along~~ on U.S. Forest Service Road 35N06 to the State Game Refuge 1S boundary; northwest along the State Game Refuge 1S boundary to ~~the~~ Coyote Canyon-Dixie Valley Road; northwest ~~along the~~ on Coyote Canyon-Dixie Valley Road to ~~the~~ Dixie Valley-Boyd Hill Road; northwest ~~along the~~ on Dixie Valley-Boyd Hill Road to ~~the~~ Snag Hill-Hayden Hill Road; northeast and north ~~along the~~ on Snag Hill-Hayden Hill Road to Highway 139; southeast on Highway 139 to ~~the~~ Willow Creek-Hunsinger Flat Road; northeast and northwest ~~along the~~ on Willow Creek-Hunsinger Flat Road to ~~the~~ Adin-Madeline Road; southeast ~~along the~~ on Adin-Madeline Road to Highway 395 at the town of Madeline; south ~~along~~ on Highway 395 to ~~the~~ Madeline-Clarks Valley Road; east ~~along the~~ on Madeline-Clarks Valley Road to ~~the~~ Clarks Valley-Tuledad Road; east and southeast ~~along the~~ on Clarks Valley-Tuledad Road to the California-Nevada state line; south along the California-Nevada state line to the Lassen-Sierra county line; west along the Lassen-Sierra county line to the Lassen-Plumas county line; north and west along the Lassen-Plumas county line to Highway 36; west ~~along~~ on Highway 36 to ~~the~~ Juniper Lake Road, to the point of beginning.

(2) Seasons:

(A) Period One of the general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days. Period Two of the general season shall open on the first Saturday in September and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the earliest general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(e) ~~Zone 5—Big Valley:~~ Zone 5 (Big Valley):

(1) Area: Those portions of Modoc, Lassen, Shasta, and Siskiyou counties within a line beginning at the intersection of Highways 299 and 89; north and northwest ~~along~~ on Highway 89 to ~~the~~ Bartle-Telephone Flat Road; northeast ~~along the~~ on Bartle-Telephone Flat Road to ~~the~~ Iodine Prairie-Long Bell Road; southeast ~~along the~~ on Iodine Prairie-Long Bell Road to ~~the~~ North Main Road at Long Bell Forest Service Station; northeast ~~along the~~ on North Main Road and ~~the~~ Mud Springs-Mud Lake Road to Modoc County Road 91; south ~~along~~ on Modoc County Road 91 to ~~the~~ Happy Camp-Cottonwood Flat Road; southeast ~~along the~~ on Happy Camp-Cottonwood Flat Road to ~~the~~ Cottonwood Flat-Canby Bridge Road; southeast ~~along the~~ on Cottonwood Flat-Canby Bridge Road to Highway 299; south ~~along~~ on Highway 299 to ~~the~~ Hunters Ridge-Sweagert Flat Road near Lower Rush Creek Recreation Site; east and south ~~along the~~ on Hunters Ridge-Sweagert Flat Road to ~~the~~ Sweagert Flat-Hunsinger Draw Road; south and west ~~along the~~ on Sweagert Flat-Hunsinger Draw Road to ~~the~~ Adin-Madeline Road; southeast ~~along the~~ on Adin-Madeline Road to ~~the~~ Hunsinger Flat-Willow Creek Road; southeast and southwest ~~along the~~ on Hunsinger Flat-Willow Creek Road to Highway 139; northwest ~~along~~ on Highway 139 to ~~the~~ Hayden Hill-Snag Hill Road; south and southwest ~~along the~~ on Hayden Hill-Snag Hill Road to ~~the~~ Boyd Hill-Dixie Valley Road; southeast ~~along the~~ on Boyd Hill-Dixie Valley Road to ~~the~~ Dixie Valley-Coyote Canyon Road; southeast ~~along the~~ on Dixie Valley-Coyote Canyon Road to the State Game Refuge 1S boundary; southeast along the State Game Refuge 1S boundary to U.S. Forest Service Road 35N06; south and west ~~along~~ on U.S. Forest Service Road 35N06 to U.S. Forest Service Road 22; west ~~along~~ on U.S. Forest Service Road 22 to Highway 89 near the Hat Creek Ranger Station; north ~~along~~ on Highway 89 to Highway 299; to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the earliest general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(f) ~~Zone 6—Surprise Valley:~~ Zone 6 (Surprise Valley):

(1) Area: Those portions of Modoc and Lassen counties within a line beginning at the ~~intersection~~ junction of the crest of the Warner Mountains and the California-Oregon state line; east along the California-Oregon state line to the California-Nevada state line; south along the California-Nevada state line to ~~the~~ Tuledad-Clarks Valley Road; west and northwest ~~along the~~ on Tuledad-Clarks Valley Road to ~~the~~ Clarks Valley-Long Valley Road; north on ~~the~~ Clarks Valley-Long Valley Road to ~~the~~ South Warner Road; east ~~along the~~ on South Warner Road to the Summit Trail near Patterson Guard Station; north along the Summit Trail to the crest of the Warner Mountains at Pepperdine Camp; north along the crest of the Warner Mountains to the California-Oregon state line to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(g) Big Valley Pronghorn Antelope Apprentice Hunt:

(1) Area: The tag shall be valid in the area described in subsection 363(e)(1).

(2) Season: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders wishing to hunt the Ash Creek Wildlife Area may contact Ash Creek Wildlife Area by telephone at (530) 294–5824, and shall attend an orientation meeting before hunting. Only persons possessing valid junior hunting licenses and apprentice hunt license tags may hunt during the pronghorn antelope apprentice hunt season in the Ash Creek Wildlife Area. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting.

(h) Lassen Pronghorn Antelope Apprentice Hunt:

(1) Area: The tag shall be valid in the area described in subsection 363(d)(1).

(2) Season: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders must possess valid junior hunting licenses and apprentice hunt license tags. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting. The Honey Lake Wildlife Area shall not be open to antelope apprentice hunt tag holders.

(i) Surprise Valley Pronghorn Antelope Apprentice Hunt:

(1) Area: The tag shall be valid in the area described in subsection 363(f)(1).

(2) Season: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders must possess valid junior hunting licenses and apprentice hunt license tags. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting.

(j) Likely Tables Pronghorn Antelope Apprentice Hunt

(1) Area: The tag shall be valid in the area described in subsection 363(c)(1).

(2) Seasons: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders must possess valid junior hunting licenses and apprentice hunt license tags. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting.

(k) ~~Fund-raising~~ Fundraising Hunt:

(1) Area: Those portions of Lassen, Modoc, Plumas, Shasta, and Siskiyou counties described as zones 1 through 6 in subsections 363(a) through (f).

(2) Season: The season for the ~~Fund-Raising~~ Fundraising Hunt shall open on the Saturday before the first Wednesday in August and continue for 51 consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(l) Conditions:

(1) Pronghorn antelope license tags do not give the tagholders the right of entry onto privately-owned lands.

(2) Buck pronghorn antelope are defined as pronghorn antelope with horns longer than the ears. Doe pronghorn antelope are defined as pronghorn antelope with horns shorter than the ears. Either-sex pronghorn antelope are defined as buck or doe pronghorn antelope.

(3) Shooting time shall be from one-half hour before sunrise to one-half hour after sunset.

(4) Method of take:

(A) The holder of any archery-only pronghorn antelope license tag may only take pronghorn antelope using archery equipment, as defined in Section 354 of these regulations.

(B) The holder of a general season, ~~fund-raising~~ fundraising hunt season, or junior hunt season license tag may take pronghorn antelope using legal firearms and archery equipment as described in sections 353 and 354 of these regulations.

(5) Any person taking any pronghorn antelope shall retain that portion of the head, which bears the horns during the open season and for 15 days thereafter, and shall produce it upon the demand of any officer authorized to enforce the provisions of these regulations.

(6) No person shall at any time capture or destroy any pronghorn antelope and detach or remove from the carcass only the head, hide or horns; nor shall any person at any time leave through carelessness or neglect any pronghorn antelope which is in ~~his~~ their possession or any portion of the flesh thereof usually eaten by humans, to go needlessly to waste.

(7) Prior to the acceptance or issuance of a pronghorn antelope license tag, all tagholders shall consent in writing to the terms and conditions set forth on the license tag.

(m) Pronghorn Antelope Tag Allocations Table.

Pronghorn Antelope Tag Allocations

Hunt Area		Archery-Only Season			General Season					
						Period 1				Period 2

	Buck		Dee		Buck		Dee		Buck		Dee
Zone 1— Mount Dome	0		0		2		0		0		0
Zone 2— Clear Lake	4		0		15		0		0		0
Zone 3— Likely Tables	15		0		25		0		25		0
Zone 4— Lassen	5		0		35		0		35		0
Zone 5—Big Valley	4		0		20		0		0		0
Zone 6— Surprise Valley	4		0		10		0		0		0
Likely Tables Apprentice Hunt		N/A				5 Either Sex				0	
Lassen Apprentice Hunt		N/A				5 Either Sex				0	
Big Valley Apprentice Hunt		N/A				4 Either Sex				0	
Surprise Valley Apprentice Hunt		N/A				4 Either Sex				0	
Fund- Raising Hunt		N/A						2 Buck			

<u>Hunt Area</u>	<u>Archery- Only Season Buck</u>	<u>Archery- Only Season Doe</u>	<u>General Season Period 1 Buck</u>	<u>General Season Period 1 Doe</u>	<u>General Season Period 1 Apprenti ce Either- Sex</u>	<u>General Season Period 2 Buck</u>	<u>General Season Period 2 Doe</u>	<u>Fundrai sing</u>
<u>Zone 1 - Mount Dome</u>	<u>0</u>	<u>0</u>	<u>0-5</u>	<u>0</u>	<u>N/A</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zone 2 - Clear Lake</u>	<u>1</u>	<u>0</u>	<u>5-15</u>	<u>0</u>	<u>N/A</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zone 3 - Likely Tables</u>	<u>15</u>	<u>0</u>	<u>15-25</u>	<u>0</u>	<u>5</u>	<u>10-25</u>	<u>0</u>	<u>0</u>
<u>Zone 4 - Lassen</u>	<u>5</u>	<u>0</u>	<u>25-50</u>	<u>0</u>	<u>5</u>	<u>25-50</u>	<u>0</u>	<u>0</u>
<u>Zone 5 - Big Valley</u>	<u>1</u>	<u>0</u>	<u>5-20</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zone 6 - Surprise Valley</u>	<u>1</u>	<u>0</u>	<u>10-15</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zones 1-6</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>

NOTE: Authority cited: Sections 219, 265, 331 and 1050, Fish and Game Code.
Reference: Sections 331, 713 and 1050, Fish and Game Code.

Proposed Regulatory Language

Section 363, Title 14 CCR, is amended to read:

§ 363. Pronghorn Antelope.

The Lava Beds National Monument and Federal and State Game Refuges lying within ~~the a~~ given pronghorn hunt boundary are closed to pronghorn antelope hunting, except for the state's Hayden Hill (1S) and Blacks Mountain (1F) game refuges in Lassen County and the Clear Lake National Wildlife Refuge in Modoc County. Refer to subsection 363(b)(5) for special conditions for permission to enter and hunt pronghorn antelope in the Clear Lake National Wildlife Refuge.

(a) ~~Zone 1—Mount Dome:~~ Zone 1 (Mount Dome):

(1) Area: That portion of Siskiyou County within a line beginning at the junction of Interstate 5 and the California-Oregon state line; east along the California-Oregon state line to ~~the~~ Ainsworth Corners-Lava Beds National Monument Road; south ~~along~~ on the Ainsworth Corners-Lava Beds National Monument Road to ~~the~~ Mammoth Crater-Medicine Lake Road; southwest ~~along~~ the on Mammoth Crater-Medicine Lake Road to ~~the~~ Medicine Lake-Telephone Flat Road; east and south ~~along~~ the on Medicine Lake-Telephone Flat Road to ~~the~~ Telephone Flat-Bartle Road; southwest ~~along~~ the on Telephone Flat-Bartle Road to Highway 89; west ~~along~~ on Highway 89 to Interstate 5; north ~~along~~ on Interstate 5 to the California-Oregon state line to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(b) ~~Zone 2—Clear Lake:~~ Zone 2 (Clear Lake):

(1) Area: Those portions of Modoc and Siskiyou counties within a line beginning at the junction of the Lava Beds National Monument Road and the California-Oregon state line at Ainsworth Corners; east along the California-Oregon state line to ~~the~~ Crowder Flat Road; south ~~along~~ the on Crowder Flat Road to Modoc County Road 73; south ~~along~~ on Modoc County Road 73 to Modoc County Road 136; west ~~along~~ on Modoc County Road 136 to ~~the~~ Blue Mountain-Mowitz Road; west and south ~~along~~ the on Blue Mountain-Mowitz Road to ~~the~~ Deadhorse Flat-Badger Well Road; southwest ~~along~~ the on Deadhorse Flat-Badger Well Road to ~~the~~ Badger Well-Browns Well Road; south ~~along~~ the on Badger Well-Browns Well Road to ~~the~~ Sorholus Tank-Hackamore Road; southwest ~~along~~ the on Sorholus Tank-Hackamore Road to Highway 139; southeast ~~along~~ on Highway 139 to Modoc County Road 91; south ~~along~~ on Modoc County Road 91 to ~~the~~ Mud Lake-Mud Springs Road; west ~~along~~ the on Mud Lake-Mud Springs Road to ~~the~~ North Main Road; southwest ~~along~~ the on North Main Road to ~~the~~ Long Bell-Iodine Prairie Road at Long Bell Forest Service Station; northwest ~~along~~ the on Long Bell-Iodine Prairie Road to ~~the~~ Bartle-Telephone Flat Road; north ~~along~~ the on Bartle-Telephone Flat Road to ~~the~~ Telephone Flat-Medicine Lake Road; north and west ~~along~~ the on Telephone Flat-Medicine Lake Road to ~~the~~ Medicine Lake-Mammoth Crater Road; northeast ~~along~~ the on Medicine Lake-Mammoth Crater Road to ~~the~~ Lava Beds National

Monument-Ainsworth Corners Road; north ~~along the~~ on Lava Beds National Monument-Ainsworth Corners Road to the California-Oregon state line to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: The special regulations regarding the Peninsula "U" portion of the Clear Lake National Wildlife Refuge are summarized as follows:

(A) The area will be open on weekends and holidays only during the general season.

(B) Permission to enter this area must be obtained at the gate entrance located on the Clear Lake Road. Hunters for this area will be selected by public drawing. Persons selected for pronghorn antelope tags for Zone 2 (Clear Lake) may apply for this drawing by submitting an application upon receipt of their license tag to the ~~Department of Fish and Game~~ Department of Fish and Wildlife, 601 Locust Street, Redding, CA 96001. Applicants may apply as a party of two. Applications shall consist of the following: a standard U.S. Postal Service postcard with the applicant's tag number, name, address, city, zip code, area code, telephone number, and the notation "Application for Pronghorn Antelope Hunt Access Permit, Clear Lake Peninsula." Applications must reach the Redding office before the close of the business day on the first Friday in August. Successful applicants will be notified. A two-party application will not be split. The specific number of hunters will be determined each year by the Department. No more than five hunters will be allowed on the area at any one time unless a party of two is drawn for the fifth place. If the fifth place is the first member of a party, then no more than six hunters will be allowed on the area at any time.

(C) The gate entrance will be open from 6:00 a.m. to one hour after sunset.

(D) The fence near the gate entrance constitutes the south boundary of the area.

(E) The specific number of pronghorn antelope to be taken from this area is determined by the number of pronghorn antelope present. This area will be closed once this number is reached.

(c) ~~Zone 3—Likely Tables:~~ Zone 3 (Likely Tables):

(1) Area: Those portions of Modoc and Lassen counties within a line beginning at the junction of the Crowder Flat Road and the California-Oregon state line; east along the California-Oregon state line to the crest of the Warner Mountains; south along the crest of the Warner Mountains to the Summit Trail at Pepperdine Camp; south along the Summit Trail to the South Warner Road near Patterson Forest Service Station; west along the South Warner Road to ~~the~~ Long Valley-Clarks Valley Road; south ~~along the~~ on Long Valley-Clarks Valley Road to ~~the~~ Clarks Valley-Madeline Road; west ~~along the~~ on Clarks Valley-Madeline Road to Highway 395 at the town of Madeline; north ~~along~~ on Highway 395 to ~~the~~ Madeline-Adin Road; northwest ~~along the~~ on Madeline-Adin Road to ~~the~~ Hunsinger Draw-Sweagert Flat Road; east and north ~~along the~~ on Hunsinger Draw-Sweagert Flat Road to ~~the~~ Sweagert Flat-Hunters Ridge Road; north and west ~~along the~~ on Sweagert Flat-Hunters Ridge Road to Highway 299 near Lower Rush Creek Recreation Site; north ~~along~~ on Highway 299 to ~~the~~ Canby Bridge-Cottonwood Flat Road; northwest ~~along the~~ on Canby Bridge-Cottonwood Flat

Road to ~~the~~ Cottonwood Flat-Happy Camp Road; northwest ~~along the~~ on Cottonwood Flat-Happy Camp Road to Modoc County Road 91; north ~~along on~~ on Modoc County Road 91 to Highway 139; north ~~along on~~ on Highway 139 to ~~the on~~ on Hackamore-Sorholus Tank Road; northeast ~~along the on~~ on Hackamore-Sorholus Tank Road to ~~the~~ Browns Well-Badger Well Road; north ~~along the on~~ on Browns Well-Badger Well Road to ~~the~~ Badger Well-Deadhorse Flat Road; northeast and east ~~along the on~~ on Badger Well-Deadhorse Flat Road to ~~the~~ Mowitz-Blue Mountain Road; north and east ~~along the on~~ on Mowitz-Blue Mountain Road to Modoc County Road 136; east ~~along on~~ on Modoc County Road 136 to Modoc County Road 73; north ~~along on~~ on Modoc County Road 73 to ~~the~~ Crowder Flat Road; north ~~along the on~~ on Crowder Flat Road to the California-Oregon state line, to the point of beginning.

(2) Seasons:

(A) Period One of the general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days. Period Two of the general season shall open on the first Saturday in September and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the earliest general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(d) ~~Zone 4—Lassen:~~ Zone 4 (Lassen):

(1) Area: Those portions of Lassen, Plumas and Shasta counties within a line beginning at the ~~junction~~ intersection of Highway 36 and ~~the~~ Juniper Lake Road in the town of Chester; north ~~along the on~~ on Juniper Lake Road to the Lassen National Park boundary; north and west along the Lassen National Park boundary to Highway 89; north ~~along on~~ on Highway 89 to U.S. Forest Service Road 22 near the Hat Creek Ranger Station; east ~~along on~~ on U.S. Forest Service Road 22 to U.S. Forest Service Road 35N06; east and north ~~along on~~ on U.S. Forest Service Road 35N06 to the State Game Refuge 1S boundary; northwest along the State Game Refuge 1S boundary to ~~the~~ Coyote Canyon-Dixie Valley Road; northwest ~~along the on~~ on Coyote Canyon-Dixie Valley Road to ~~the~~ Dixie Valley-Boyd Hill Road; northwest ~~along the on~~ on Dixie Valley-Boyd Hill Road to ~~the~~ Snag Hill-Hayden Hill Road; northeast and north ~~along the on~~ on Snag Hill-Hayden Hill Road to Highway 139; southeast on Highway 139 to ~~the~~ Willow Creek-Hunsinger Flat Road; northeast and northwest ~~along the on~~ on Willow Creek-Hunsinger Flat Road to ~~the~~ Adin-Madeline Road; southeast ~~along the on~~ on Adin-Madeline Road to Highway 395 at the town of Madeline; south ~~along on~~ on Highway 395 to ~~the~~ Madeline-Clarks Valley Road; east ~~along the on~~ on Madeline-Clarks Valley Road to ~~the~~ Clarks Valley-Tuledad Road; east and southeast ~~along the on~~ on Clarks Valley-Tuledad Road to the California-Nevada state line; south along the California-Nevada state line to the Lassen-Sierra county line; west along the Lassen-Sierra county line to the Lassen-Plumas county line; north and west along the Lassen-Plumas county line to Highway 36; west ~~along on~~ on Highway 36 to ~~the~~ Juniper Lake Road, to the point of beginning.

(2) Seasons:

(A) Period One of the general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days. Period Two of the general season shall open on the first Saturday in September and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the earliest general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(e) ~~Zone 5—Big Valley:~~ Zone 5 (Big Valley):

(1) Area: Those portions of Modoc, Lassen, Shasta, and Siskiyou counties within a line beginning at the intersection of Highways 299 and 89; north and northwest ~~along~~ on Highway 89 to ~~the~~ Bartle-Telephone Flat Road; northeast ~~along the~~ on Bartle-Telephone Flat Road to ~~the~~ Iodine Prairie-Long Bell Road; southeast ~~along the~~ on Iodine Prairie-Long Bell Road to ~~the~~ North Main Road at Long Bell Forest Service Station; northeast ~~along the~~ on North Main Road and ~~the~~ Mud Springs-Mud Lake Road to Modoc County Road 91; south ~~along~~ on Modoc County Road 91 to ~~the~~ Happy Camp-Cottonwood Flat Road; southeast ~~along the~~ on Happy Camp-Cottonwood Flat Road to ~~the~~ Cottonwood Flat-Canby Bridge Road; southeast ~~along the~~ on Cottonwood Flat-Canby Bridge Road to Highway 299; south ~~along~~ on Highway 299 to ~~the~~ Hunters Ridge-Sweagert Flat Road near Lower Rush Creek Recreation Site; east and south ~~along the~~ on Hunters Ridge-Sweagert Flat Road to ~~the~~ Sweagert Flat-Hunsinger Draw Road; south and west ~~along the~~ on Sweagert Flat-Hunsinger Draw Road to ~~the~~ Adin-Madeline Road; southeast ~~along the~~ on Adin-Madeline Road to ~~the~~ Hunsinger Flat-Willow Creek Road; southeast and southwest ~~along the~~ on Hunsinger Flat-Willow Creek Road to Highway 139; northwest ~~along~~ on Highway 139 to ~~the~~ Hayden Hill-Snag Hill Road; south and southwest ~~along the~~ on Hayden Hill-Snag Hill Road to ~~the~~ Boyd Hill-Dixie Valley Road; southeast ~~along the~~ on Boyd Hill-Dixie Valley Road to ~~the~~ Dixie Valley-Coyote Canyon Road; southeast ~~along the~~ on Dixie Valley-Coyote Canyon Road to the State Game Refuge 1S boundary; southeast along the State Game Refuge 1S boundary to U.S. Forest Service Road 35N06; south and west ~~along~~ on U.S. Forest Service Road 35N06 to U.S. Forest Service Road 22; west ~~along~~ on U.S. Forest Service Road 22 to Highway 89 near the Hat Creek Ranger Station; north ~~along~~ on Highway 89 to Highway 299; to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the earliest general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(f) ~~Zone 6—Surprise Valley:~~ Zone 6 (Surprise Valley):

(1) Area: Those portions of Modoc and Lassen counties within a line beginning at the ~~intersection~~ junction of the crest of the Warner Mountains and the California-Oregon state line; east along the California-Oregon state line to the California-Nevada state line; south along the California-Nevada state line to ~~the~~ Tuledad-Clarks Valley Road; west and northwest ~~along the~~ on Tuledad-Clarks Valley Road to ~~the~~ Clarks Valley-Long Valley Road; north on ~~the~~ Clarks Valley-Long Valley Road to ~~the~~ South Warner Road; east ~~along the~~ on South Warner Road to the Summit Trail near Patterson Guard Station; north along the Summit Trail to the crest of the Warner Mountains at Pepperdine Camp; north along the crest of the Warner Mountains to the California-Oregon state line to the point of beginning.

(2) Seasons:

(A) The general season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(B) The archery only season shall open 14 days prior to the general season and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(g) Big Valley Pronghorn Antelope Apprentice Hunt:

(1) Area: The tag shall be valid in the area described in subsection 363(e)(1).

(2) Season: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders wishing to hunt the Ash Creek Wildlife Area may contact Ash Creek Wildlife Area by telephone at (530) 294–5824, and shall attend an orientation meeting before hunting. Only persons possessing valid junior hunting licenses and apprentice hunt license tags may hunt during the pronghorn antelope apprentice hunt season in the Ash Creek Wildlife Area. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting.

(h) Lassen Pronghorn Antelope Apprentice Hunt:

(1) Area: The tag shall be valid in the area described in subsection 363(d)(1).

(2) Season: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders must possess valid junior hunting licenses and apprentice hunt license tags. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting. The Honey Lake Wildlife Area shall not be open to antelope apprentice hunt tag holders.

(i) Surprise Valley Pronghorn Antelope Apprentice Hunt:

(1) Area: The tag shall be valid in the area described in subsection 363(f)(1).

(2) Season: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders must possess valid junior hunting licenses and apprentice hunt license tags. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting.

(j) Likely Tables Pronghorn Antelope Apprentice Hunt

(1) Area: The tag shall be valid in the area described in subsection 363(c)(1).

(2) Seasons: The season shall open on the Saturday following the third Wednesday in August and continue for nine consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(4) Special Conditions: Tagholders must possess valid junior hunting licenses and apprentice hunt license tags. Tagholders shall be accompanied by a nonhunting, licensed adult ~~chaperon~~ chaperone 18 years of age or older while hunting.

(k) ~~Fund-raising~~ Fundraising Hunt:

(1) Area: Those portions of Lassen, Modoc, Plumas, Shasta, and Siskiyou counties described as zones 1 through 6 in subsections 363(a) through (f).

(2) Season: The season for the ~~Fund-Raising~~ Fundraising Hunt shall open on the Saturday before the first Wednesday in August and continue for 51 consecutive days.

(3) Bag and Possession Limit: One pronghorn antelope in a license year.

(l) Conditions:

(1) Pronghorn antelope license tags do not give the tagholders the right of entry onto privately-owned lands.

(2) Buck pronghorn antelope are defined as pronghorn antelope with horns longer than the ears. Doe pronghorn antelope are defined as pronghorn antelope with horns shorter than the ears. Either-sex pronghorn antelope are defined as buck or doe pronghorn antelope.

(3) Shooting time shall be from one-half hour before sunrise to one-half hour after sunset.

(4) Method of take:

(A) The holder of any archery-only pronghorn antelope license tag may only take pronghorn antelope using archery equipment, as defined in Section 354 of these regulations.

(B) The holder of a general season, ~~fund-raising~~ fundraising hunt season, or junior hunt season license tag may take pronghorn antelope using legal firearms and archery equipment as described in sections 353 and 354 of these regulations.

(5) Any person taking any pronghorn antelope shall retain that portion of the head, which bears the horns during the open season and for 15 days thereafter, and shall produce it upon the demand of any officer authorized to enforce the provisions of these regulations.

(6) No person shall at any time capture or destroy any pronghorn antelope and detach or remove from the carcass only the head, hide or horns; nor shall any person at any time leave through carelessness or neglect any pronghorn antelope which is in ~~his~~ their possession or any portion of the flesh thereof usually eaten by humans, to go needlessly to waste.

(7) Prior to the acceptance or issuance of a pronghorn antelope license tag, all tagholders shall consent in writing to the terms and conditions set forth on the license tag.

(m) Pronghorn Antelope Tag Allocations Table.

Pronghorn Antelope Tag Allocations

Hunt Area		Archery-Only Season			General Season					
						Period 1				Period 2

	Buck		Dee		Buck		Dee		Buck		Dee
Zone 1— Mount Dome	0		0		2		0		0		0
Zone 2— Clear Lake	4		0		15		0		0		0
Zone 3— Likely Tables	15		0		25		0		25		0
Zone 4— Lassen	5		0		35		0		35		0
Zone 5—Big Valley	4		0		20		0		0		0
Zone 6— Surprise Valley	4		0		10		0		0		0
Likely Tables Apprentice Hunt		N/A				5 Either Sex				0	
Lassen Apprentice Hunt		N/A				5 Either Sex				0	
Big Valley Apprentice Hunt		N/A				4 Either Sex				0	
Surprise Valley Apprentice Hunt		N/A				4 Either Sex				0	
Fund- Raising Hunt		N/A						2 Buck			

<u>Hunt Area</u>	<u>Archery- Only Season Buck</u>	<u>Archery- Only Season Doe</u>	<u>General Season Period 1 Buck</u>	<u>General Season Period 1 Doe</u>	<u>General Season Period 1 Apprenti ce Either- Sex</u>	<u>General Season Period 2 Buck</u>	<u>General Season Period 2 Doe</u>	<u>Fundrai sing</u>
<u>Zone 1 - Mount Dome</u>	<u>0</u>	<u>0</u>	<u>0-5</u>	<u>0</u>	<u>N/A</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zone 2 - Clear Lake</u>	<u>1</u>	<u>0</u>	<u>5-15</u>	<u>0</u>	<u>N/A</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zone 3 - Likely Tables</u>	<u>15</u> <u>0-15</u>	<u>0</u>	<u>15-25</u> <u>0-25</u>	<u>0</u>	<u>5</u>	<u>10-25</u> <u>0-25</u>	<u>0</u>	<u>0</u>
<u>Zone 4 - Lassen</u>	<u>5</u>	<u>0</u>	<u>25-50</u>	<u>0</u>	<u>5</u>	<u>25-50</u>	<u>0</u>	<u>0</u>
<u>Zone 5 - Big Valley</u>	<u>1</u>	<u>0</u>	<u>5-20</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zone 6 - Surprise Valley</u>	<u>1</u>	<u>0</u>	<u>10-15</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Zones 1-6</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>

NOTE: Authority cited: Sections 219, 265, 331 and 1050, Fish and Game Code.
Reference: Sections 331, 713 and 1050, Fish and Game Code.

Memorandum

Date: April 10, 2024

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 17-18, 2024, Fish and Game Commission Meeting
Re: Pronghorn Antelope Hunting – Pre-Adoption Memo of Revisions and
Recommendations**

The Department of Fish and Wildlife (Department) has prepared this Memorandum to transmit its final recommended tag allocations for pronghorn antelope hunting.

The Department's field surveys indicated that this past winter presented harsh conditions for the Zone 3 pronghorn antelope population. As such, the Department requested the Commission circulate a continuation notice ahead of the planned April 18, 2024 Commission adoption hearing to update the proposed tag ranges for Zone 3: In the Pronghorn Antelope Tag Allocations table, where the proposed tag ranges for Zone 3 – Likely Tables are expanded from 15-25 to 0-25 and from 10-25 to 0-25 for General Season Period 1 Buck and General Season Period 2 Buck, respectively (see the table below outlining proposed changes to subsection 363(m), splitting General Season and Fundraising from Archery). A subsequent continuation notice revised the proposed tag allocation of 15 in Zone 3 - Likely Tables Archery Only Season (Buck) to a tag quota range of 0 to 15.

The Department recommends that each of these quotas for the General Season be adopted at 5 tags based on population numbers. The Department also recommends a tag quota of 5 in the Zone 3 – Likely Tables Archery Only Season (Buck).

There are no other amendments to the regulatory text based on the results of pronghorn population studies in the spring of 2024. No comments were received.

The Department recommends the Commission adopt the proposed changes as reflected in the continuation notice and in this Pre-Adoption Memo for pronghorn antelope hunting.

Hunt Area	2023-2024 General Season Period 1 Buck	2024-2025 Proposed Range General Season Period 1 Buck	2024-2025 Recommend ation General Season Period 1 Buck	2023-2024 General Season Period 2 Buck	2024-2025 Proposed Range General Season Period 2 Buck	2024-2025 Recommend ation General Season Period 2 Buck
Zone 1 – Mount Dome	2	0-5	2	0	0	
Zone 2 – Clear Lake	15	5-15	12	0	0	
Zone 3 – Likely Tables	25	15-25 [0-25] ¹ <u>5</u> ²	5	25	10-25 [0-25] ³ <u>5</u> ⁴	5
Zone 4 – Lassen	35	25-50	35	35	25-50	35
Zone 5 – Big Valley	20	5-20	5	0	0	
Zone 6 – Surprise Valley	10	10-15	10	0	0	
Zones 1-6						

¹ Initial range of 15-25 was determined to be too high after pronghorn population analysis. The amended range of 0-25 was posted via a continuation notice on April 5, 2024 for adoption at the April 18, 2024 Fish and Game Commission meeting.

² Department recommendation for this quota is 5 tags.

³ Initial range of 10-25 was determined to be too high after pronghorn population analysis. The amended range of 0-25 was posted via a continuation notice on April 5, 2024 for Adoption at the April 18, 2024 Fish and Game Commission meeting.

⁴ Department recommendation for this quota is 5 tags.

Hunt Area	2023-2024 Archery-Only Buck	2024-2025 Archery-Only Buck
Zone 1 – Mount Dome	0	0
Zone 2 – Clear Lake	1	1
Zone 3 – Likely Tables	15 [0-15] <u>5</u> ⁵	5
Zone 4 - Lassen	5	5
Zone 5 - Big Valley	1	1
Zone 6 - Surprise Valley	1	1
Zones 1-6	0	0

If you have any questions on this item, please contact Scott Gardner, Wildlife Branch Chief, via phone at (916) 801-6257.

cc: Chad Dibble, Deputy Director
 Wildlife and Fisheries Division
 Department of Fish and Wildlife

Scott Gardner, Branch Chief
 Wildlife Branch
 Department of Fish and Wildlife

Robert Pelzman, Captain
 Law Enforcement Division
 Department of Fish and Wildlife

Mario Klip, Game Conservation and Wildlife Connectivity Program Manager
 Wildlife Branch
 Department of Fish and Wildlife

Regina Vu, Regulations Specialist
 Wildlife Branch
 Department of Fish and Wildlife

⁵ A reduction in the number of Archery Only Tags (Buck) for Zone 3 from 15 to 5 was determined to be necessary after pronghorn population analysis. The amended proposed quota of 5 was posted via a continuation notice on April 10, 2024 for Adoption at the April 18, 2024 Fish and Game Commission meeting.

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 10, 2024
Page 4

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Ari Cornman, Wildlife Advisor
Fish and Game Commission

ADDENDUM
TO THE
2004 FINAL ENVIRONMENTAL DOCUMENT
REGARDING PRONGHORN ANTELOPE HUNTING
prepared by the
STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
on behalf of
CALIFORNIA FISH AND GAME COMMISSION
as
LEAD AGENCY UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
for the
REGULARY NOTICED RULEMAKING ACTION TO AMEND
SECTIONS 363 PRONGHORN ANTELOPE HUNTS
TITLE 14, CALIFORNIA CODE OF REGULATIONS
2024 HUNTING SEASON
(OAL Notice File No. **2024-0123-07**)

INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., to inform consideration by the California Fish and Game Commission (Commission) of proposed amendments to existing regulations governing pronghorn antelope hunting in California (California Code of Regulations (CCR), Title 14, Section 363). F&G Code, Section 3950 designates pronghorn antelope as a game mammal in California. F&G Code Sections 203 and 331 authorize the Commission to fix the area or areas, seasons and hours, bag and possession limit, sex, and total number of pronghorn antelope that may be taken pursuant to its regulations. F&G Code Section 203.1 requires the Commission to consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts when establishing hunting regulations for pronghorn antelope. The Commission establishes pronghorn antelope hunting tag quotas through regulations amended annually, as needed, based on current population estimates derived from annual surveys by CDFW.

The Commission serves as the CEQA lead agency when it promulgates and amends the pronghorn antelope hunting regulations. (Public Resources Code Section 21067; CEQA Guidelines Section 15367.)¹ The Commission established maximum tag quotas for all pronghorn antelope hunting zones in California in 2004 with, among other things, the certification of a Final Environmental Document under CEQA (2004 Pronghorn Antelope ED)(SCH No. 2003112078). The 2004 Pronghorn Antelope ED provides relevant and important informational value as the Commission as CEQA lead agency considers proposed amendments to the existing regulations for the 2024 pronghorn antelope hunting season in California. This addendum documents the Commission's consideration of related environmental effects.

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. Analysis of these conditions was completed in March of 2024. Based on the analysis, the proposed tag quota for 2024 falls within the conservative harvest range identified in the 2004 Pronghorn Antelope ED.

¹ The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

EARLIER PROJECT APPROVAL

CEQA review of the proposed project was conducted in accordance with the Commission's certified regulatory program approved by the Secretary for the California Natural Resources Agency pursuant to Public Resources Code Section 21080.5 (See generally Title 14, CCR, Sections 781.5 and 15251(b)). CEQA requires all public agencies in the State to evaluate the environmental impacts of discretionary projects they propose to carry out or approve, including promulgating regulations, which may have a potential to significantly affect the environment.

In 2004, the Commission certified a Final Environmental Document Regarding Pronghorn Antelope Hunting (2004 Pronghorn Antelope ED) (SCH No. 2003112078) as the lead agency under CEQA as part of the Commission's review and adoption of the Pronghorn antelope Hunting regulations.

PROPOSED 2024 TAG ALLOCATIONS FOR THE MOUNT DOME HUNT ZONE

The pronghorn antelope tag quotas described in the 2004 Pronghorn Antelope ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 pronghorn antelope hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. For 2024, the proposed tag allocation for the Mount Dome General Season Period 1 Buck is 2. Currently, the public tag quota (general draw) for the Mount Dome General Season Period 1 Buck is 2 tags.

The 2004 Pronghorn Antelope ED found no significant impacts for a range of pronghorn antelope tags for Mount Dome General Season Period 1 Buck not to exceed a maximum of 60 tags. Therefore, there are no new significant or substantially more severe impacts caused by keeping the buck tags in the Mount Dome Hunt Zone at 2 tags.

PROPOSED 2024 TAG ALLOCATIONS FOR THE CLEAR LAKE HUNT ZONE

The pronghorn antelope tag quotas described in the 2004 Pronghorn Antelope ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 pronghorn antelope hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. For 2024, the proposed tag allocation for the Clear Lake General Season Period 1 Buck is 12. Currently, the public tag quota (general draw) for the Clear Lake General Season Period 1 Buck is 15 tags.

The 2004 Pronghorn Antelope ED found no significant impacts for a range of pronghorn antelope tags for the Clear Lake General Season Period 1 Buck not to exceed a maximum of 80 tags. Therefore, there are no new significant or substantially more severe impacts from amending the pronghorn antelope hunt regulations to modify buck tags in the Clear Lake General Season Period 1 Buck to 12 tags.

PROPOSED 2024 TAG ALLOCATIONS FOR THE LIKELY TABLES HUNT ZONE

The pronghorn antelope tag quotas described in the 2004 Pronghorn Antelope ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 pronghorn antelope hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. For 2024, the proposed tag allocation for the Likely Tables General Season Period 1 and Period 2 Buck is 5. Currently, the public tag quota (general draw) for the Likely Tables General Season Periods 1 and 2 Buck is 25 tags each.

The 2004 Pronghorn Antelope ED found no significant impacts for a range of pronghorn antelope tags for the Likely Tables General Season Period 1 Buck not to exceed a maximum of 150 tags and for the Likely Tables General Season Period 2 Buck not to exceed a maximum of 130 tags. Therefore, there are no new significant or substantially more severe impacts from amending the pronghorn antelope hunt regulations to modify buck tags in the Likely Tables General Season Periods 1 and 2 Buck to 5 tags and 5 tags, respectively.

PROPOSED 2024 TAG ALLOCATIONS FOR THE LASSEN HUNT ZONE

The pronghorn antelope tag quotas described in the 2004 Pronghorn Antelope ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 pronghorn antelope hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. For 2024, the proposed tag allocation for the Lassen General Season Period 1 and Period 2 Buck is 35. Currently, the public tag quota (general draw) for the Likely Tables General Season Periods 1 and 2 Buck is 35 tags each.

The 2004 Pronghorn Antelope ED found no significant impacts for a range of pronghorn antelope tags for the Lassen General Season Periods 1 and 2 Buck not to exceed a maximum of 150 tags each. Therefore, there are no new significant or substantially more severe impacts from amending the pronghorn antelope hunt regulations caused by keeping buck tags in the Lassen General Season Periods 1 and 2 Buck at 35 tags each.

PROPOSED 2024 TAG ALLOCATIONS FOR THE BIG VALLEY HUNT ZONE

The pronghorn antelope tag quotas described in the 2004 Pronghorn Antelope ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 pronghorn antelope hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. For 2024, the proposed tag allocation for the Big Valley General Season Period 1 Buck is 5. Currently, the public tag quota (general draw) for the Big Valley General Season Period 1 Buck is 20 tags.

The previous Archery tag quota was 15 bucks during the 2023-2024 season. The new proposed tag quota is 5. This reduction is proposed because the March 2024 survey showed a smaller population of Pronghorn than anticipated, likely connected to a severe winter that increased winter mortality.

The 2004 Pronghorn Antelope ED found no significant impacts for a range of pronghorn antelope tags for the Big Valley General Season Period 1 Buck not to exceed a maximum of 150 tags. Therefore, there are no new significant or substantially more severe impacts from amending the pronghorn antelope hunt regulations to modify buck tags in the Big Valley General Season Period 1 Buck to 5 tags and reducing the Archery tags from 15 to 5.

PROPOSED 2024 TAG ALLOCATIONS FOR THE SURPRISE VALLEY HUNT ZONE

The pronghorn antelope tag quotas described in the 2004 Pronghorn Antelope ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 pronghorn antelope hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. For 2024, the proposed tag allocation for the Surprise Valley General Season Period 1 Buck is 10-15. Currently, the public tag quota (general draw) for the Big Valley General Season Period 1 Buck is 10 tags.

The 2004 Pronghorn Antelope ED found no significant impacts for a range of pronghorn antelope tags for the Surprise Valley General Season Period 1 Buck not to exceed a maximum of 25 tags. Therefore, there are no new significant or substantially more severe impacts caused by keeping the pronghorn antelope hunt regulations to modify buck tags in the Surprise Valley General Season Period 1 Buck at 10 tags.

NO SUBSEQUENT ENVIRONMENTAL DOCUMENT IS REQUIRED

In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project. (Public Resources Code Section 21080(a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a Final Environmental Document was prepared and certified:

“The lead agency or a responsible agency shall prepare an **addendum** to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (Title 14, CCR, Section 15164)

- A Subsequent Environment Document (Section 15162) when there is substantial evidence that:
 - Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document (ED).
 - Substantial changes occur with respect to the circumstances under which the project is being undertaken, which will require major revisions to the previous EIR or environmental documentation.
 - New information, which was not known and could not have been known at the time the previous EIR or ED was certified as complete, becomes available.
- A Supplement to an Environment Document (Section 15163) when:
 - A subsequent ED is not required.
 - Only minor changes to the project are described.
 - Only that information to make the ED adequate is provided.
- An Addendum to the Certified ED (Section 15164) is proper when:
 - The changes or additions presented in this project are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent ED have occurred.
 - The Commission may properly prepare and may rely on an addendum in accordance with Section 15164 to fulfill its obligations under CEQA.

NO ADDITIONAL IMPACTS UNDER CEQA

The Commission has determined that amending the current pronghorn antelope hunting regulations based on annual survey results will not result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in the 2004 Pronghorn antelope ED for this project.

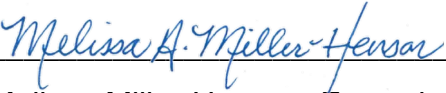
This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal

community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species.

This approval action adjusts the previous year tag quotas based on more current population information, modifies existing hunt zone boundaries, and establishes three new hunt zones. No other aspect of the project is changed. No new significant or substantially more severe impacts under CEQA will occur due to this change.

AMENDMENT OF THE PRONGHORN ANTELOPE HUNT REGULATIONS

In conclusion, the Commission finds that amending the pronghorn antelope hunt regulations in Title 14, CCR Section 363, will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2004 Pronghorn Antelope ED. The Commission also finds that subsequent or supplemental review beyond this Addendum is not warranted pursuant to Title 14, CCR Section 15164, in connection with this proposed action.



Melissa Miller-Henson, Executive Director
California Fish and Game Commission

April 12, 2024

Date

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

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

I. Date of Initial Statement of Reasons: October 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2024

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

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

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in updating elk hunting regulations. Considerations include recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, authorizing methods of take, among others, to help achieve management goals and objectives for elk. Section 364 provides descriptions of hunt zone boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only, apprentice), tag designations (buck, doe), tag quotas (total number of hunting tags to be made available), bag and possession limits, and special conditions for elk. To maintain appropriate harvest levels and hunting quality, tags must be adjusted periodically in response to dynamic environmental, biological, and social conditions.

The proposed changes focus on elk tag quotas under Section 364(r-z). The last time these regulations were subject to a major amendment was 2022-2023. The proposed amendments here represent the cumulation of the Department's internal discussion/data analysis. 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 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. The

proposed changes are necessary to maintain sustainable hunt opportunities, consistency with management unit plan recommendations, and Fish and Game Code.

BACKGROUND

Current regulations in Section 364 specify elk tag quotas for each hunt zone and establish hunt zone boundaries in accordance with management goals and objectives described in the Department's Elk Conservation and Management Plan. Similarly, current regulations in Section 364.1 specify elk tag quotas for each hunt zone that may be distributed to the public to allow access to hunt elk on specific properties that enter the Shared Habitat Alliance for Recreational Enhancement (SHARE) program. A limited number of public elk hunting tags are offered annually via the Big Game Drawing and SHARE program drawing, and public demand for elk hunting tags (as indicated by elk tag draw applications) has annually exceeded tag availability for the last ten years. In addition to harvest opportunity, public elk hunting also provides data that enhances the Department's ability to monitor elk populations including spatial, age, genetic, and disease information. As described in the Department's Elk Conservation and Management Plan (2018), the Department's goal is to increase elk hunting opportunities where feasible and compatible with population objectives, in which case recommendations will be offered to the Commission.

CURRENT REGULATIONS

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 several areas where increased public elk hunting opportunities under section 364 and section 364.1 are feasible and support achievement of population objectives.

Current laws governing 364 and 364.1 tag allocations for the identified areas are as follows:

- Grizzly Island General Methods Tule Elk Hunts: 364(u)(13)(A) through 364(u)(13)(M); 16 antlerless tags, 10 spike bull tags, 7 bull tags
- Siskiyou SHARE Roosevelt Elk Hunt: 364.1(i)(1); 2 bull tags, 2 antlerless tags
- Northwestern SHARE Roosevelt Elk Hunt: 364.1(i)(2); 34 bull tags, 34 antlerless tags
- Tehachapi SHARE Rocky Mountain Elk Hunt: 364.1(j)(2); 20 bull tags, 15 antlerless tags
- Mendocino SHARE Roosevelt/Tule Elk Hunt: 364.1(k)(1); 2 bull tags, 4 antlerless tags

PROPOSED REGULATIONS

The proposed regulations are in compliance with CDFW's Elk Conservation and Management Plan (CDFW 2018):

Grizzly Island Tule Elk Hunt Zone Section 364(u)(13)(A) through 364(u)(13)(M)

Amend subsections 364(u)(13)(J), 364(u)(13)(L), and 364(u)(13)(M) to increase bull harvest in Periods 10 (364(u)(13)(J)), 12 (364(u)(13)(L)), and 13 (364(u)(13)(M)).

Period 10: [4-5] bull; current 3

Period 12: [4-5] bull; current 3

Period 13: [2-4] bull: current 0

Grizzly Island Tule Elk Hunt Zone: Current (2023) public tag quota for the Grizzly Island Hunt Zone is 16 antlerless, 10 spike bull, and 7 bull tags. The observed bull (bb): cow (cc) ratio (86bb:100 cc) is above objective (50bb:100 cc). The Department recommends increased bull harvest with the addition of 4-8 bull tags across three hunt periods (Periods 10, 12, and 13). The intended results of this recommendation will provide more public hunt opportunity and help achieve the sex ratio objective.

Nonsubstantive Changes

Additional changes are made in subsections 364(a) through (d) for punctuation and capitalization.

Siskiyou SHARE Roosevelt Elk Section 364.1(i)(1).

Amend subsection 364.1(i)(1) to increase SHARE bull and antlerless harvest.

Siskiyou SHARE Roosevelt Elk Hunt Zone: current (2023) SHARE tags for the Siskiyou Hunt Zone is 2 bull and 2 antlerless tags. Elk populations in this hunt zone tend to concentrate on private property and human-elk conflict has exceeded tolerable levels in some areas. High elk density may also contribute to increased disease transmission.

The Department recommends adding 18 bull and 18 antlerless SHARE tags to result in a total of 40 (20 bull and 20 antlerless) SHARE tags. The intended results of this recommendation will provide more public hunt opportunity and reduce elk conflict.

Northwestern SHARE Roosevelt Elk Section 364.1(i)(2).

Amend subsection 364.1(i)(2) to increase SHARE bull and antlerless harvest.

Northwestern SHARE Roosevelt Elk Hunt Zone: current (2023) SHARE tags for the Northwestern Hunt Zone include 34 bull and 34 antlerless tags. Elk populations in this Hunt Zone tend to concentrate on private property and human-elk conflict has exceeded tolerable levels in some areas. High elk density may also contribute to increased disease transmission.

The Department recommends adding 6 bull and 26 antlerless SHARE tags to result in a total of 100 (40 bull and 60 antlerless) SHARE tags. The intended results of this recommendation will provide more public hunt opportunity, reduce disease transmission, and reduce elk conflict.

Tehachapi SHARE Rocky Mountain Elk Section 364.1(j)(2).

Amend subsection 364.1(j)(2) to increase SHARE bull and antlerless harvest.

Tehachapi SHARE Rocky Mountain Elk Hunt Zone: current (2023) SHARE tags for the Tehachapi Hunt Zone include 20 bull and 15 antlerless tags. Elk populations in this Hunt Zone tend to concentrate on private property and human-elk conflict has exceeded tolerable levels in some areas.

The Department recommends adding 20 bull and 45 antlerless SHARE tags to result in a total of 100 (40 bull and 60 antlerless) SHARE tags. The intended results of this recommendation will provide more public hunt opportunity and reduce elk conflict.

Mendocino SHARE Roosevelt/Tule Elk Section 364.1(k)(1).

Amend subsection 364.1(k)(1) to increase SHARE bull and antlerless harvest.

Mendocino SHARE Roosevelt/Tule Elk Hunt Zone: current (2023) SHARE tags for the Mendocino Hunt Zone include 2 bull and 4 antlerless tags. Elk populations in this Hunt Zone tend to concentrate on private property and human-elk conflict has exceeded tolerable levels in some areas. High elk density may also contribute to increased disease transmission.

The Department recommends adding 18 bull and 26 antlerless SHARE tags to result in a total of 50 (20 bull and 30 antlerless) SHARE tags. The intended results of this recommendation will provide more public hunt opportunity, reduce disease transmission, and reduce elk conflict.

(b) Goals and Benefits of the Regulation

The proposed regulations will contribute to the sustainable management of elk populations in California while providing additional hunting opportunity in certain zones. Population objectives are maintained and managed in part by periodically modifying the number of hunting tags distributed.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 203, 203.1, 265, 332, and 1050, Fish and Game Code

Reference: Sections 325, 332, 1050, 1570, 1571, 1573, and 1574, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change

California Department of Fish and Wildlife. (2018). 2018 Elk Management Plan. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=162912&inline>

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- Wildlife Resources Committee, May 2023
- Wildlife Resources Committee, September 2023

IV. 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

Without the proposed changes, the outstanding issues concerning the regulations currently governing 364 and 364.1 would remain unaddressed. Retaining the current number of tags for the hunts listed would not be responsive to changes in population status or levels of human-elk conflict.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 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. 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.

(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 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.

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

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

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

- (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

VII. Economic Impact Assessment

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate impacts on the creation or elimination of jobs within the state.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate impacts on the creation of new business, the elimination of existing businesses within the state because the proposed regulations are not anticipated to create impacts that are substantial enough to stimulate demand for goods or services related to elk hunting.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate impacts on the expansion of businesses currently doing business within the state because the proposed regulations are not anticipated to create impacts that are substantial enough to stimulate demand for goods or services related to elk hunting.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans, and can be a family tradition and a bonding activity.

- (e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on worker safety.

- (f) Benefits of the Regulation to the State's Environment

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of populations of elk to ensure their continued existence

and supporting recreational opportunity. Adoption of scientifically based elk seasons and tag quotas provides for the maintenance of elk populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

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).

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.

Proposed Regulatory Language

Section 364, Title 14 CCR, is amended to read:

§ 364. Elk Hunts, Seasons, and Number of Tags.

(a) Department Administered General Methods Roosevelt Elk Hunts:

(1) Siskiyou General Methods Roosevelt Elk Hunt:

(A) Area: In that portion of Siskiyou County within a line beginning at the junction of Interstate 5 and the California-Oregon state line; east along the California-Oregon state line to Hill Road at Ainsworth Corner; south on Hill Road to Lava Beds National Monument Road; south on Lava Beds National Monument Road to USDA Forest Service Road 49; south on USDA Forest Service Road 49 to USDA Forest Service Road 77; west on USDA Forest Service Road 77 to USDA Forest Service Road 15 (Harris Spring Road); south on USDA Forest Service Road 15 to USDA Forest Service Road 13 (Pilgrim Creek Road); southwest on USDA Forest Service Road 13 to Highway 89; northwest on Highway 89 to Interstate 5; north on Interstate 5 to the point of beginning.

(2) Northwestern Roosevelt Elk Hunt:

(A) Area: In those portions of Humboldt and Del Norte ~~Counties~~counties within a line beginning at the intersection of Highway 299 and Highway 96; north on Highway 96 to the Del Norte-Siskiyou county line; north along the Del Norte-Siskiyou county line to the California-Oregon state line; west along the California-Oregon state line to the Pacific coastline; south along the Pacific coastline to the Humboldt-Mendocino county line; east along the Humboldt-Mendocino county line to the Humboldt-Trinity county line; north along the Humboldt-Trinity county line to Highway 299; west on Highway 299 to the point of beginning.

(3) Marble Mountains General Methods Roosevelt Elk Hunt:

(A) Area: In those portions of Humboldt, Tehama, Trinity, Shasta and Siskiyou Counties within a line beginning at the intersection of Interstate 5 and the California-Oregon state line; west along the California-Oregon state line to the Del Norte county line; south along the Del Norte county line to the junction of the Siskiyou-Humboldt county line; east along the Siskiyou-Humboldt county line to Highway 96; south on Highway 96 to Highway 299; south on Highway 299 to the Humboldt-Trinity county line; south along the Humboldt-Trinity county line to Highway 36; east on Highway 36 to Interstate 5; north on Interstate 5 to the point of beginning.

(b) Department Administered General Methods Rocky Mountain Elk Hunts:

(1) Northeastern General Methods Rocky Mountain Elk Hunt:

(A) Area: Those portions of Siskiyou, Modoc, Lassen, and Shasta ~~Counties~~counties within a line beginning in Siskiyou County at the junction of the California-Oregon state line and Hill Road at Ainsworth Corner; east along the California-Oregon state line to the California-Nevada state line; south along the California-Nevada state line to Lassen County Road 506 ~~Tuledad~~ (Tuledad) Road; west on Lassen County Road 506 to Lassen County Road 512 (Red Rock Road); west on Lassen County Road 512 to Lassen County Road 510 (Clark's Valley Road); west on Lassen County Road 510 to Highway 395 at Madeline; west on Lassen County Road

527 (Ash Valley Road) to Highway ~~139/299~~299/139 in Adin; south on Highway 299/139, then Highway 139 to Highway 36 in Susanville; west on Highway 36 to Interstate 5 in Red Bluff; north on Interstate 5 to Highway 89; southeast on Highway 89 to USDA Forest Service Road 13 (Pilgrim Creek Road); northeast on USDA Forest Service Road 13 to USDA Forest Service Road 15 (Harris Spring Road); north on USDA Forest Service Road 15 to USDA Forest Service Road 77; east on USDA Forest Service Road 77 to USDA Forest Service Road 49; north on USDA Forest Service Road 49 to Lava Beds National Monument Road; north on Lava Beds National Monument Road to Hill Road; north on Hill Road to the point of beginning.

(2) Tehachapi Rocky Mountain Elk Hunt:

(A) Area: In those portions of Kern and Los Angeles ~~Counties~~counties within a line beginning at the intersection of Highways 99 and 65; north on Highway 65 to the Kern-Tulare county line; east along the Kern-Tulare county line to Highway 395; south on Highway 395 to Highway 14; southwest on Highway 14 to Highway 138; west on Highway 138 to Interstate 5; north on Interstate 5 to Highway 99; north on Highway 99 to the point of beginning.

(c) Department Administered General Methods Roosevelt/Tule Elk Hunt:

(1) Mendocino General Methods Roosevelt/Tule Elk Hunt:

(A) Area: In that portion of Mendocino County within a line beginning at the Pacific coastline and the Mendocino-Humboldt county line south of Shelter Cove; east along the Mendocino-Humboldt county line to the Mendocino-Trinity county line; south and east along the Mendocino-Trinity county line to the Mendocino-Tehama county line; south along the Mendocino-Glenn county line, then the Mendocino-Lake county line to Highway 20; north and west on Highway 20 to Highway 101 near Calpella; south on Highway 101 to Highway 253; southwest on Highway 253 to Highway 128; north on Highway 128 to Mountain View Road near the town of Boonville; west on Mountain View Road to Highway 1; south on Highway 1 to the junction of the Garcia River; west along the Garcia River to the Pacific coastline; north along the Pacific coastline to the point of beginning.

(d) Department Administered General Methods Tule Elk Hunts:

(1) Cache Creek General Methods Tule Elk Hunt:

(A) Area: In those portions of Lake, Colusa and Yolo ~~Counties~~counties within a line beginning at the junction of Highway 20 and the Colusa-Lake county line (County Line Ridge); south along the Colusa-Lake county line to the Yolo county line; east along the Yolo ~~County~~county line to Highway 16; south on Highway 16 to Reiff-Rayhouse Road; west on Reiff-Rayhouse Road to Morgan Valley Road; west on Morgan Valley Road to Highway 53; north on Highway 53 to Highway 20; west on Highway 20 to Forest Road 303; north and east on Forest Road 303 to Walker Ridge Road; south on Walker Ridge Road to Highway 20; east on Highway 20 to the point of beginning.

(2) La Panza General Methods Tule Elk Hunt:

(A) Area: In those portions of San Luis Obispo, Kern, and Santa Barbara ~~Counties~~counties within a line beginning in San Luis Obispo County at the intersection of Highway 101 and Highway 46; south on Highway 101 to Highway 166 in San Luis Obispo County; east on

Highway 166 to Highway 33 at Maricopa in Kern County; north and west on Highway 33 to Highway 46 in Kern County; west on Highway 46 to the point of beginning.

(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.

(3) Central Coast General Methods Tule Elk Hunt:

(A) Area: In those portions of Monterey and San Luis Obispo ~~Counties~~counties within a line beginning in Monterey County at the junction of Highway 1 and Elkhorn Slough; westward to the Pacific coastline at the Moss Landing Harbor mouth entrance; south along the Pacific coastline to the junction of the mouth of Santa Rosa Creek in San Luis Obispo County; south and east along Santa Rosa Creek to the bridge at Highway 1; south on Highway 1 to Highway 46; east on Highway 46 to Highway 101; north on Highway 101 to North Main Street in Salinas in Monterey County; south on North Main Street to Highway 183; north on Highway 183 to Highway 1; north on Highway 1 to the point of beginning, excluding the full extent of the Fort Hunter Liggett military installation.

(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.

(4) Gabilan General Methods Tule Elk Hunt:

(A) Area: In those portions of Monterey, San Benito, and Fresno ~~Counties~~counties within a line beginning in Monterey County at the junction of the Pajaro River and the Pacific coastline; east along the Pajaro River to Highway 25; south on Highway 25 to San Felipe Road; south on San Felipe Road to San Benito Street; south on San Benito Street to Nash Road; east on Nash Road to Highway 25; south on Highway 25 to County Road J1 (Panoche Road) near the town of Paicines; southeast on County Road J1 to County Road J1 (Little Panoche Road); north on County Road J1 to Interstate 5 in Fresno County; south on Interstate 5 to Highway 33; south on Highway 33 to Highway 46; west on Highway 46 to Highway 101; north on Highway 101 to North Main Street in Salinas in Monterey County; south on North Main Street to Highway 183; north on Highway 183 to Highway 1; north on Highway 1 to the junction with Elkhorn Slough; westward to the Pacific coastline at the Moss Landing Harbor mouth entrance; north along the Pacific coastline to the point of beginning.

(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.

(5) Bishop General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County within a line beginning at the intersection of Highway 395 and Highway 6 in the town of Bishop; north and east ~~along~~ on Highway 6 to Silver Canyon Road; east on Silver Canyon Road to Forest Service Road 4S01 (White Mountain Road); south on Forest Service Road 4S01 to Highway 168 at Westgard Pass; south and west on Highway 168 to Highway 395; north on Highway 395 to the point of beginning.

(6) Independence General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County within a line beginning at the intersection of Highway 395 and Aberdeen Station Road; east on Aberdeen Station Road to its terminus at the southern boundary of Section 5, Township 11S, Range 35E; east along the southern boundary of sections 5, 4, 3, and 2, Township 11S, Range 35E to the Papoose Flat Road at Papoose Flat; south and east on Papoose Flat Road to Mazourka Canyon Road; south, then west on Mazourka Canyon Road to Highway 395; north on Highway 395 to the point of beginning.

. . . [No change to subsections (d)(7) through (d)(10)]. . .

(11) Whitney General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County within a line beginning at the intersection of Highway 395 and Onion Valley Road; south on Highway 395 to Whitney Portal Road; west on Whitney Portal Road to the northern boundary of Section 36, Township 15S, Range 34E; west along the northern boundary of sections 36, 35, 34 and 33 Township 15S, Range 34 E to the Inyo-Tulare county line; north along the ~~the~~ Inyo-Tulare county line to the junction of Section 27 Township 13S, range 33E; east along the southern boundary of sections 27, 26 and 25 Township 13S, Range 33E; north along the eastern boundary of Section 25 Township 13S, Range 33E to Onion Valley Road; east on Onion Valley Road to the point of beginning.

. . . [No change to subsections (d)(12) through(d)(14)]

(15) East Park Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Glenn and Colusa ~~Counties~~counties within a line beginning in Glenn County at the intersection of Interstate 5 and Highway 162 at Willows; west on Highway 162 (Highway 162 becomes Alder Springs Road) to the Glenn-Mendocino county line; south along the Glenn-Mendocino county line to the Glenn-Lake county line; east and then south along the Glenn-Lake county line to the Colusa-Lake county line; west, and then southeast along the Colusa-Lake county line to Goat Mountain Road; north and east on Goat Mountain Road to Lodoga-Stonyford Road; east on Lodoga-Stonyford to Sites-Lodoga Road at Lodoga; east on Sites-Lodoga Road to Maxwell-Sites Road at Sites; east on Maxwell-Sites Road to Interstate 5 at Maxwell; north on Interstate 5 to the point of beginning.

(B) Special Conditions:

1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.
2. Access to private land may be restricted or require payment of an access fee.
3. A Colusa County ordinance prohibits firearms on land administered by the USDI Bureau of Reclamation in the vicinity of East Park Reservoir. A county variance currently allows for the use of muzzleloaders (as defined in Section 353) on Bureau of Reclamation land within the hunt zone. Hunters are responsible for checking with county authorities for any change in the variance.

(16) San Luis Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Merced, Fresno, San Benito, and Santa Clara ~~Counties~~counties within a line beginning in Merced County at the intersection of Highway 152 and

Interstate 5 near the town of Santa Nella; west on Highway 152 to Highway 156 in Santa Clara County; southwest on Highway 156 to Highway 25 near the town of Hollister in San Benito County; south on Highway 25 to County Road J1 (Panoche Road) in the town of Paicines; south and east on County Road J1 to County Road J1 (Little Panoche Road); north and east on County Road J1 (Little Panoche Road) to Interstate 5 in Fresno County; north on Interstate 5 to the point of beginning.

(17) Bear Valley General Methods Tule Elk Hunt

(A) Area: In those portions of Colusa, Lake, and Yolo ~~Counties~~ counties within a line beginning in Colusa County at the intersection of Interstate 5 and Maxwell-Sites Road at Maxwell; west on Maxwell-Sites Road to Sites-Lodoga Road; west on Sites-Lodoga Road to Lodoga-Stonyford Road; west Road to Goat Mountain Road; west and south on Goat Mountain Road to the Colusa-Lake county line; south and west along the Colusa-Lake county line to Forest Route M5; south on Forest Route M5 to Forest Road 303; east on Forest Road 303 to Walker Ridge Road; south on Walker Ridge Road to Highway 20; east on Highway 20 to the Colusa-Lake county line (County Line Ridge); south along the Colusa-Lake county line to the Yolo county line; east along the Yolo county line to Highway 16; south on Highway 16 to Rayhouse Road; south and west on Rayhouse Road to the Yolo-Napa county line; east and south along the Yolo-Napa county line to Road 8053; east on Road 8053 to County Road 78A; east on County Road 78A to Highway 16; east on Highway 16 to Route E4 at Capay; north and east on Route E4 to Interstate 5; north on Interstate 5 to the point of beginning.

(18) Lake Pillsbury General Methods Tule Elk Hunt:

(A) Area: In that portion of Lake County within a line beginning at the Glenn-Lake-Mendocino county line; south and west along the Mendocino-Lake county line to Highway 20; southeast on Highway 20 to the Bartlett Springs Road; north and east on Bartlett Springs Road to Forest Route M5; northwest on Forest Route M5 to the Colusa-Lake county line; northwest and east along the Colusa-Lake county line to the junction of the Glenn county line; north and west ~~on~~ along the Lake-Glenn County Line to the point of beginning.

(19) Santa Clara General Methods Tule Elk Hunt:

(A) Area: In those portions of Merced, Santa Clara, and Stanislaus ~~Counties~~ counties within a line beginning at the junction of Interstate 5 and the San Joaquin-Stanislaus county line; southeast on Interstate 5 to Highway 152; west on Highway 152 to Highway 101 near the town of Gilroy; north on Highway 101 to Interstate 680 near San Jose; north on Interstate 680 to the Alameda-Santa Clara county line; east along the Alameda-Santa Clara county line to the junction of the San Joaquin-Stanislaus-Alameda-Santa Clara county lines; northeast along the San Joaquin-Stanislaus county line to the point of beginning.

(20) Alameda General Methods Tule Elk Hunt:

(A) Area: In those portions of Alameda and San Joaquin ~~Counties~~ counties within a line beginning at the junction of Interstate 5 and the San Joaquin-Stanislaus county line; southwest along the San Joaquin-Stanislaus county line to junction of the San Joaquin-Stanislaus-Alameda-Santa Clara county lines; west along the Alameda-Santa Clara county line to Interstate 680; north on Interstate 680 to Interstate 580; east and south on Interstate 580 to Interstate 5; south on Interstate 5 to the point of beginning.

... [No change to subsections (e) through (u)(13)(l)]. . .

(u) Department Administered General Methods Tule Elk Hunts

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags	5. Season
(13)(J)	Grizzly Island Period 10	3 [4-5]	0	0	0	Shall open on the first Thursday following the opening of Period 9 and continue for four consecutive days.
(13)(K)	Grizzly Island Period 11	0	4	0	0	Shall open on the first Tuesday following the opening of Period 10 and continue for four consecutive days.
(13)(L)	Grizzly Island Period 12	3 [4-5]	0	0	0	Shall open on the first Thursday following the opening of Period 11 and continue for four consecutive days.
(13)(M)	Grizzly Island Period 13	0 [2-4]	4	0	0	Shall open on the first Tuesday following the opening of Period 12 and continue for four consecutive days.

... [No change to subsections (u)(14)(A) through (aa)]. . .

NOTE: Authority cited: Sections 200, 203, 203.1, 265, 332 and 1050, Fish and Game Code.

Reference: Sections 332, 1050, 1570, 1571, 1572, 1573 and 1574, Fish and Game Code.

Proposed Regulatory Language

Section 364.1, Title 14 CCR, is amended to read:

§ 364.1. Department Administered Shared Habitat Alliance for Recreational Enhancement (SHARE) Elk Hunts

(a) Season: The overall season shall open on August 15 and continue through January 31. Individual SHARE properties will be assigned seasons corresponding with management goals.

(b) Bag and Possession Limit: Each elk tag is valid only for one elk per season and only in the SHARE hunt area drawn, and persons shall only be eligible for one elk tag per season through section 364.1.

(c) Individual property boundaries will be identified in the SHARE application package.

(d) Method of Take: Only methods for taking elk as defined in Sections 353 and 354 may be used.

(e) Tagholder Responsibilities: See subsection 364(n).

(f) The use of dogs to take or attempt to take elk is prohibited.

(g) Applicants shall apply for a SHARE Access Permit, and pay a nonrefundable application fee as specified in Section 602, through the department’s Automated License Data System terminals at any department license agent, department license sales office, or online.

(h) Upon receipt of winner notification, successful applicants shall submit the appropriate tag fee as specified in Section 702 through any department license sales office or online through the department’s Automated License Data System.

(i) Department Administered SHARE Roosevelt Elk Hunts

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags	(B) Area
(1)	Siskiyou	2 <u>20</u>	2 <u>20</u>	0	0	The tag shall be valid in the area described in subsection 364(a)(1)(A).
(2)	Northwestern	34 <u>40</u>	34 <u>60</u>	0	0	The tag shall be valid in the area described in subsection 364(a)(2)(A).

§	(A) Hunts	1.Bull Tags	2.Antlerless Tags	3.Either-Sex Tags	4.Spike Tags	(B) Area
(3)	Marble Mountain	1	2	0	0	The tag shall be valid in the area described in subsection 364(a)(3)(A).

(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts

§	(A) Hunts	1.Bull Tags	2.Antlerless Tags	3.Either-Sex Tags	4.Spike Tags	(B) Area
(1)	Northeastern	2	0	2	0	The tag shall be valid in the area described in subsection 364(b)(1)(A).
(2)	Tehachapi	20 <u>40</u>	45 <u>60</u>	0	0	The tag shall be valid in the area described in subsection 364(b)(2)(A).

(k) Department Administered SHARE Roosevelt/Tule Elk Hunts

§	(A) Hunts	1.Bull Tags	2.Antlerless Tags	3.Either-Sex Tags	4.Spike Tags	(B) Area
(1)	Mendocino	2 <u>20</u>	4 <u>30</u>	0	0	The tag shall be valid in the area described in subsection 364(c)(1)(A).

... [No change to subsection (l)] ...

NOTE: Authority cited: Sections 332 and 1050, Fish and Game Code.
Reference: Sections 332, 1050 and 1574, Fish and Game Code.

Memorandum

Date: April 10, 2024

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 17-18, 2024, Fish and Game Commission Meeting**
Re: Elk Hunting – Pre- Adoption Memo

The Department of Fish and Wildlife (Department) has prepared this Memorandum to transmit its final recommendations on the proposed amendments to Sections 364 and 364.1, Title 14, California Code of Regulations, regarding proposing changes to elk hunt zone boundaries, seasons, and tag allocations.

The Department recommends the Commission adopt the proposed rulemaking for elk hunting with the following bag limits. The Department is not recommending changes to the proposed regulatory language in the original public notice, and all tag allocation recommendations fall within the proposed tag range included in the notice.

364(u) Department Administered General Methods Tule Elk Hunts

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags	5. Season
(13)(J)	Grizzly Island Period 10	[4-5] 4	0	0	0	Shall open on the first Thursday following the opening of Period 9 and continue for four consecutive days.
(13)(L)	Grizzly Island Period 12	[4-5] 4	0	0	0	Shall open on the first Thursday following the opening of

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags	5. Season
						Period 11 and continue for four consecutive days.
(13)(M)	Grizzly Island Period 13	[2-4] 3	4	0	0	Shall open on the first Tuesday following the opening of Period 12 and continue for four consecutive days.

If you have any questions on this item, please contact Scott Gardner, Wildlife Branch Chief, via phone at (916) 801-6257.

cc: Chad Dibble, Deputy Director
 Wildlife and Fisheries Division
 Department of Fish and Wildlife

Scott Gardner, Branch Chief
 Wildlife Branch
 Department of Fish and Wildlife

Robert Pelzman, Captain
 Law Enforcement Division
 Department of Fish and Wildlife

Mario Klip, Game Conservation and Wildlife Connectivity Program Manager
 Wildlife Branch
 Department of Fish and Wildlife

Regina Vu, Regulations Specialist
 Wildlife Branch
 Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 10, 2024
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David Thesell, Program Manager
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David Haug, Analyst
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Ari Cornman, Wildlife Advisor
Fish and Game Commission

ADDENDUM
to the 2019 SUPPLEMENTAL ENVIRONMENTAL DOCUMENT
TO THE
2010 FINAL ENVIRONMENTAL DOCUMENT
REGARDING ELK HUNTING

prepared by the

STATE OF CALIFORNIA

NATURAL RESOURCES AGENCY

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on behalf of

CALIFORNIA FISH AND GAME COMMISSION

as

LEAD AGENCY UNDER THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

for the

REGULARLY NOTICED RULEMAKING ACTION TO AMEND

SECTIONS 364 ELK, 364.1 SHARE ELK, and 555 COOPERATIVE ELK HUNTS, AND
ADDING SUBSECTION 555.1 CONFLICT ZONE COOPERATIVE ELK HUNTS

TITLE 14, CALIFORNIA CODE OF REGULATIONS

2024 HUNTING SEASON

(OAL Notice File No. **2024-0123-07**)

INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared this addendum pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., to inform consideration by the California Fish and Game Commission (Commission) of proposed amendments to existing regulations governing elk hunting in California (California Code of Regulations (CCR), Title 14, Section Sections 364, 364.1., 555, 555.1). F&G Code Section 3950 designates elk as a game mammal in California. F&G Code Sections 203 and 332, authorize the Commission to fix the area or areas, seasons and hours, bag and possession limit, sex, and total number of elk that may be taken pursuant to its regulations. F&G Code Section 203.1 requires the Commission to consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts when establishing hunting regulations for elk. The Commission establishes elk hunting tag quotas through regulations amended annually, as needed, based on current population estimates derived from annual surveys by CDFW.

The Commission serves as the CEQA lead agency when it promulgates and amends the elk hunting regulations. (Public Resources Code, Section 21067; CEQA Guidelines Section 15367.)¹ The Commission established maximum tag quotas for all elk hunting zones in California in 2010 with, among other things, the certification of a Final Environmental Document under CEQA (2010 Elk ED) (SCH No. 200912083). The Commission amended the existing regulations in 2019 by, among other things, certifying a Final Supplemental Environmental Document under CEQA (2019 Elk SED) (SCH No. 2018112037). The 2010 Elk ED and the 2019 Elk SED provide relevant and important informational value as the Commission as CEQA lead agency considers proposed amendments to the existing regulations for the 2024 elk hunting season in California. This addendum documents the Commission's consideration of related environmental effects.

EARLIER PROJECT APPROVAL

CEQA review of the proposed project was conducted in accordance with the Commission's certified regulatory program approved by the Secretary for the California Natural Resources Agency pursuant to Public Resources Code Section 21080.5 (See generally Title 14, CCR Sections 781.5 and 15251(b)). CEQA requires all public agencies in the State to evaluate the environmental impacts of discretionary projects they propose to carry out or approve, including promulgating regulations, which may have a potential to significantly affect the environment.

¹ The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

In 2010, the Commission certified a Final Environmental Document Regarding Elk Hunting (2010 Elk ED) (SCH No. 200912083) as the lead agency under CEQA as part of the Commission's review and adoption of the Elk Hunting regulations.

In 2019 the Commission amended the Elk Hunting regulations and certified a Final Supplemental Environmental Document Regarding Elk Hunting (2019 Elk SED) (SCH No. 2018112037) which focused on the potential for any new significant or substantially more severe environmental impacts from an increase in the tag quota range in the Northwestern Elk Zone (NW Zone). The Commission considered the proposed project increase of 20 tags and three alternatives. The Commission as lead agency certified the SED and determined adoption of the amended regulations as proposed would not result in any new significant or substantially more severe environmental effects than previously identified by the Commission in 2010. The Commission approved the increase of 20 tags for the 2019-20 elk hunting regulations. In 2023, the Commission amended the Elk Hunting tag quotas in the Siskiyou and Northwestern Hunt Zones, adding 10 and 22 tags, respectively; modified the boundaries of the Bear Valley, Cache Creek, and La Panza Hunt Zone; and created the Gabilan, Central Coast, and Tehachapi Hunt Zones, adding 70 elk tags across these new zones. The Commission approved the tag allocations, boundary modifications, and new Hunt Zones for the 2023-24 elk hunting regulations.

PROPOSED 2024 TAG ALLOCATIONS FOR THE GRIZZLY ISLAND HUNT ZONE

The elk tag quotas described in the 2010 Elk ED are the basis for the number of tags currently allocated to all zones in regulation. Amendments of tag quotas for the 2024 elk hunting season by the Commission are based on survey data collected by the Department in its annual survey efforts. The survey was completed in March of 2024. For 2024, the proposed tag allocation for the Grizzly Island Zone Periods 10, 12, and 13 bull hunts is 4, 4, and 3, respectively. Currently, the public tag quota (general draw) for the Grizzly Island Zone Periods 10, 12, and 13 bull hunts is 3, 3, and 0, respectively.

The 2010 Elk ED found no significant impacts for a range of bull elk tags for the Grizzly Island Zone from 0-36 across 13 hunt periods. Therefore, there are no new significant or substantially more severe impacts from amending the elk hunt regulations to increase the bull tags in the Grizzly Island Zone Periods 10, 12, and 13 by 1, 1, and 3 tags, respectively.

PROPOSED 2024 SHARE TAG ALLOCATIONS FOR THE SISKIYOU, NORTHWESTERN, TEHACHAPI, AND MENDOCINO HUNT ZONES

The 2024 Proposed Regulations includes adding 18 bull and 18 antlerless SHARE tags to the Siskiyou Hunt Zone, adding 6 bull and 26 antlerless SHARE tags to the Northwestern Hunt Zone, adding 20 bull and 15 antlerless SHARE tags to the Tehachapi Hunt Zone, and adding 18 bull and 26 antlerless SHARE tags to the Mendocino Hunt Zone.

To maintain sustainable populations of elk and meet natural resources management goals, the Commission establishes and closes hunt zones, allocates tags, and sets hunting season dates. SHARE hunts in all four zones are designed to keep elk abundance at a sustainable level based on the environmental, biological, and social conditions of the elk. Therefore, amending the elk hunt regulations to add SHARE tags will not cause any new significant or substantially severe impacts than previously considered by the Commission.

PROPOSED 2024 COOPERATIVE ELK HUNT TAG ALLOCATIONS FOR THE SISKIYOU, NORTHWESTERN, TEHACHAPI, AND MENDOCINO HUNT ZONES

The 2024 Proposed Regulations includes modifying the mechanism by which Cooperative Elk Hunt (“Landowner”) antlerless tags are distributed in the Siskiyou Hunt Zone, Northwestern Hunt Zone, Tehachapi Hunt Zone, and the Mendocino Hunt Zone. Specifically, Landowner antlerless tags will be distributed at a 1:1 ratio relative to the sum of the annual general + SHARE antlerless tags allocated.

To maintain sustainable populations of elk and meet natural resources management goals, the Commission establishes and closes hunt zones, allocates tags, and sets hunting season dates. Cooperative Landowner hunts in these four zones are designed to keep elk abundance at a sustainable level based on the environmental, biological, and social conditions of the elk. Therefore, amending the elk hunt regulations to modify Landowner antlerless tag distribution will not cause any new significant or substantially severe impacts than previously considered by the Commission.

NO SUBSEQUENT ENVIRONMENTAL DOCUMENT IS REQUIRED

In general, CEQA applies whenever a public agency proposes to carry out or approve a discretionary project. (Public Resources Code, Section 21080(a)). CEQA provides that, where a public agency proposes to modify a previously approved project for which a Final Environmental Document was prepared and certified:

“The lead agency or a responsible agency shall prepare an **addendum** to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (Title 14, CCR Section 15164)

- A Subsequent Environment Document (Section 15162) when there is substantial evidence that:
 - Substantial changes are proposed in the project, which will require major revisions to the previous environmental impact report (EIR) or environmental document (ED).
 - Substantial changes occur with respect to the circumstances under which the project is being undertaken, which will require major revisions to the previous EIR or environmental documentation.
 - New information, which was not known and could not have been known at the time the previous EIR or ED was certified as complete, becomes available.
- A Supplement to an Environment Document (Section 15163) when:
 - A subsequent ED is not required.
 - Only minor changes to the project are described.
 - Only that information to make the ED adequate is provided.
- An Addendum to the Certified ED (Section 15164) is proper when:
 - The changes or additions presented in this project are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent ED have occurred.
 - The Commission may properly prepare and may rely on an addendum in accordance with Section 15164 to fulfill its obligations under CEQA.

NO ADDITIONAL IMPACTS UNDER CEQA

The Commission has determined that amending the current elk hunting regulations based on annual survey results will not result in any new or significant or substantially more severe environmental impacts than previously analyzed and disclosed in the 2010 Elk ED and 2019 Elk SED for this project.


This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no impacts to the habitat of fish and wildlife species.

This approval action adjusts the previous year tag quotas based on more current population information, modifies existing hunt zone boundaries, and establishes three

new hunt zones. No other aspect of the project is changed. No new significant or substantially more severe impacts under CEQA will occur due to this change.

AMENDMENT OF THE ELK HUNT REGULATIONS

In conclusion, the Commission finds that amending the elk hunt regulations in Title 14, CCR Section 364, Section 364.1, Section 555, and Section 555.1, will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed in the 2010 Elk ED and the 2019 Elk SED. The Commission also finds that subsequent or supplemental review beyond this Addendum is not warranted pursuant to Title 14, CCR Section 15164, in connection with this proposed action.



Melissa Miller-Henson, Executive Director
California Fish and Game Commission

April 12, 2024

Date

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

Amend Section 554
Title 14, California Code of Regulations
Re: Cooperative Deer Hunting Areas

I. Date of Initial Statement of Reasons: October 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2024

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

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

BACKGROUND

The California Department of Fish and Wildlife (Department) has identified regulated hunting as a preferred tool to both manage deer populations and provide public recreation opportunities. The Fish and Game Commission (Commission) periodically considers the recommendations of the Department in establishing deer hunting regulations. Considerations included recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, and authorizing methods of take, among others, to help achieve management goals and objectives. Currently, deer tags are distributed through several issuance types governed by different sections under Title 14. Issuance types for deer tags include Section 360 and Section 361 for General and Archery hunting, respectively. Section 708.1 distinguishes between Premium, Restricted, and Unrestricted tags, and Section 708.14 specifies premium deer hunt tags distributed by drawing. First and second deer tags are explained in Section 708.3. Section 554 describes Cooperative Deer Hunting Area “Landowner” tags, and Section 601 Private Lands Wildlife Habitat Enhancement and Management Area (PLM) tags. Finally, Section 709.1 details the Hunter Education Instructor Incentive Program.

CURRENT REGULATIONS

The Cooperative Deer Hunting Area (deer “landowner (LO) tags”) program 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 became a landowner tag program. Current regulations for Cooperative Deer Hunting Areas (Section 554) are:

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 by the first Friday in August and must 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 may not be more than two cooperative deer hunting area applicants for a given parcel of land. Section 554 states, “the applicant for a cooperative deer hunting area permit shall be an owner of said land,” but does not define the relationship of the second applicant.

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 current regulation restricted applicants to using a ‘one-deer’ tag application – this ensured applicants could not get another premium or restricted tag at the time the Department had ‘one-deer’ tags. This is an outdated reference, as there is no longer a ‘one-deer’ application. The Department now uses first and second deer tags. Customers are prevented from getting more than one premium and restricted hunt through ALDS controls.

The authority cited is outdated due to the repeal and subsequent reimplemention of this program after the SHARE program was established.

PROPOSED REGULATORY CHANGES

The Department has identified the necessity to modify regulations within Section 554 Cooperative Deer Hunting Areas to clarify the intent of the Cooperative Deer Hunting Area program.

Amend Section 554

The new subsections within subsection 554(b) are as follows:

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

Necessity: Subsection (b) needs to be reorganized to accommodate an expanded application section and to clearly communicate the intent of the regulations. This

includes updating the name of the Department, mentioning an application form, and where it can be found by interested parties (Department's website, as well as regional offices).

The following regional office addresses require updates:

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

Subsection 554(b)(1): Provide a definition for immediate family member to clarify eligibility for LO tags. Currently there is no definition.

Subsection 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 "as defined by Fish and Game Code Section 67" to clarify landowner eligibility as it related to a person.

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

From 2021-2023, LO tags were issued on average over 20% of the public quota in Zone X3a, 28% of the public quota in X5a, and 34% of the public quota in X5b. For reference, the average percent public quota for all other zones during that time was 3%. The number of tags issued in zones X3a, X5b, and X5a need to be reduced to align landowner tag allocations in these zones with allocations in the other zones.

Subsection 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 originally prevented customers from obtaining a public drawing premium tag and a landowner tag by requiring a "one deer application. The "one deer tag" is an outdated reference. The department now utilizes "first" and "second" deer tags, which ALDS uses to prevent customers from acquiring more than one premium and restricted hunt, regardless of the purchase order.

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

This subsection is necessary for application materials to be added; these include the application, proof of ownership, proof of property size, and applicable fees. The Unsuccessful Deer Tag Letter can be used as proof of payment.

Subsection 554(b)(4): Add application form.

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 (such as GO ID number and Driver's License number).

Subsection 554(b)(5): Review and approval.

Subsection 554(c): update the reference for the valid deer season listed on the tag to subsections 360(a) and (b) of these regulations for improved enforceability.

Subsection 554 Authority and Reference:

The Cooperative Deer Hunting Area program was originally under the authority and reference of FGC sections 1570-1572. In 2004, FGC sections 1570-1572 were repealed and replaced with statutes establishing the SHARE program. The following year, Cooperative Hunting Areas were re-established for elk and deer hunting in FGC as Section 1575, but the authority and reference in Section 554 was not updated. Further, 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. Accordingly, the authority and reference in Section 554 needs to be updated to reflect the change in FGC sections.

(b) Goals and Benefits of the Regulation

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).

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Section 554:

Authority: 1575, Fish and Game Code

Reference: 713 and 1575, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Wildlife Resources Committee, May 2023

Wildlife Resources Committee, September 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

As an alternative to the one tag only rule for zones X3a, X5a, and X5b, a percentage (proposed 5-20 percent of the number of public license tags for the corresponding public hunt) could be used for the quota of deer landowner tags.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing landowner tags would remain unaddressed.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 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 deer landowner tags over the entire state, this proposal is 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.

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

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 Costs:

None

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

This regulatory action is not anticipated to induce the creation or elimination of jobs within the state.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The proposed regulation changes are unlikely to impact expansion of businesses currently doing business in the state.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans, and can be a family tradition and a bonding activity.

(d) Benefits of the Regulation to Worker Safety

The proposed regulation will not affect worker safety.

(f) Benefits of the Regulation to the State's Environment

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of populations of deer to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically based deer seasons and tag quotas provides for the maintenance of deer populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

(g) Other Benefits of the Regulation

Corrected over-issuance of tags in zones where this problem was identified, updated language and information that will facilitate the landowner application process.

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).

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.

Proposed Regulatory Language

Section 554, Title 14 CCR, is amended to read:

§ 554. Cooperative Deer Hunting Areas.

To encourage the protection and enhancement of critical deer habitat, to provide added protection to landowners from depredations of trespassers and to provide greater access for the public to hunt on privately owned or controlled lands, the department may establish cooperative hunting areas and issue permits for the take of deer as specified subject to the following conditions:

(a) Definition and Scope. A cooperative deer hunting area is an area of private land located within critical deer habitat as determined by the department in deer quota zones (see Section 360) which require public drawings. The cooperative hunting area shall encompass not less than a total of 5,000 acres, except that such area may consist of neighboring lands not less than 640 acres in size under the control of one or more owners.

(b) Application Process.

~~Application forms~~ Applications designated on a form issued by the department are available from the Department's website at <https://wildlife.ca.gov/Hunting/Deer>, ~~headquarters~~headquarters, and regional offices; ~~The applicant for a cooperative deer hunting area permit shall be an owner of said land. The completed application form and a completed one deer tag application for the appropriate deer zone shall be submitted to one of the following offices of the Department of Fish and Game~~

Region 1, 601 Locust Street, Redding 96001 (530) 225-2300

Region 2, 1701 Nimbus Road, Rancho Cordova 95670 (916) 358-2900

~~Region 3, 7329 Silverado Trail, Box 47, Yountville 94599 (707) 944-5500~~ Region 3, 2825 Cordelia Rd., Suite 100, Fairfield 94594 (707) 428-2002

Region 4, 1234 East Shaw Avenue, Fresno 93710 (559) 243-4005

~~Region 5, 4949 View Ridge Avenue, San Diego 92123 (858) 467-4201~~ Region 5, 3883 Ruffin Rd., San Diego 92123 (858) 467-4201

~~Region 6, 4775 Bird Farm Road, Chino Hills 91709 (909) 597-9823~~ Region 6, 3602 Inland Empire Blvd., Ste. C-220, Ontario 91764 (909) 484-0167

~~The completed applications must be received prior to the first Friday in August. No individual may submit more than one cooperative deer hunting area application per deer season nor may there be more than two cooperative deer hunting area applicants for a given parcel of land.~~

(1) Definitions.

(A) 'Immediate family' is defined as 'the spouse of such person, any child or stepchild of such person or of the spouse of such person, any spouse of any such child or stepchild, any grandchild or step-grandchild of such person or of the spouse of such person, any spouse of

such grandchild or step-grandchild, any sibling of such person sharing ownership in the property, and any spouse of any such sibling.’ Immediate family need not live in the household or reside on the property to qualify.

(2) Eligibility Requirements.

(A) A person (as defined by Fish and Game Code Section 67) owning at least 640 acres within a cooperative deer hunting area shall be eligible to apply for a cooperative deer hunting area permit. Applicants shall designate up to two individuals eligible to receive deer tags by the date below, except for applicants in zones X3a, X5a, and X5b; applicants may apply for one deer tag in those zones. Such individuals shall be at least 12 years of age, possess a valid California hunting license, and be either the landowner or immediate family of the landowner. 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 of these regulations.

(B) No individual may submit more than one cooperative deer hunting area application per deer season nor may there be more than two cooperative deer hunting area applicants for a given parcel of land.

(3) Application Materials.

The following application materials must be submitted to the department’s regional office nearest the proposed cooperative deer hunting area and must be received prior to the first Friday in August.

(A) Completed application form pursuant to subsection (b)(4)

(B) Applicable fees for first deer tag resident, second deer tag resident, or non-resident, or previous year’s Unsuccessful Deer Tag Letter per applicant, pursuant to subsection 702(c) of these regulations.

(C) Proof of property ownership (copy of deed)

(D) Proof of property size (property map)

(4) Application Form. Application forms are available pursuant to subsection (b).

(A) For both First and Second Applicant:

Applicant’s name, relationship to owner, mailing address, home phone number, day phone number, driver’s license number, GO ID number, printed name, applicant signature, and acknowledgement of compliance with provisions.

(B) Deer hunting zone in which qualifying lands are located.

(5) Review and Approval.

The department shall review the cooperative deer hunting application, verify the content thereof, and certify that the lands consist of critical deer habitat prior to the issuance of a cooperative deer hunting area permit and deer tag. Only those applications that are filled out

completely will be accepted. ~~Incomplete applications will be returned within 15 days of receipt by the department.~~ There shall be no fee for a cooperative hunting area permit.

(c) A deer tag issued pursuant to the provisions of this section is valid only during the open deer season for the deer zone specified ~~on the tag~~ in subsections 360(a) and 360(b) and may only be used on the lands specified in the landowner's application.

(d) All provisions of the Fish and Game Code relating to the take of birds and mammals shall be a condition of all permits and tags issued pursuant to this section.

(e) Any permit or tag issued pursuant to Section 554 may be cancelled or suspended at any time by the commission for cause after notice and opportunity to be heard, or without a hearing upon conviction of a violation of this regulation by a court of competent jurisdiction.

NOTE: Authority cited: Section ~~4572~~ 1575, Fish and Game Code.

Reference: Sections ~~4570-4572~~ 713 and 1575, Fish and Game Code.



DEPARTMENT OF FISH AND WILDLIFE
2024 APPLICATION FOR COOPERATIVE DEER HUNTING AREA PERMIT

DFW 1409 (Rev. 10/23)

**FEES* Resident fee of \$38.88 (first deer tag), \$48.41 (second deer tag), or a Nonresident fee of \$345.00 per applicant
 Nonreporting fee of \$20.60**

***If applicable, the previous year's non-reporting fee must be included, or application will be rejected**

INSTRUCTIONS: Submit the following items to the Department of Fish and Wildlife (CDFW) regional office in the area where your property is located (see list on the back of this application): 1) application form; 2) submit the fee (above) per applicant for applicable Deer Tag by check or money order or each applicant's Unsuccessful Deer Tag Letter; 3) proof of ownership (i.e., copy of deed); and, 4) proof of property size (property map). **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 Section 708.1, nor may there be more than two (2) applicants for a given parcel of land. See Title 14 regulations on reverse side.**

Unused deer tags will not be accepted as an exchange for a Cooperative deer tag.

COMPLETED APPLICATION MUST BE RECEIVED PRIOR TO THE FIRST FRIDAY IN AUGUST

FIRST APPLICANT (MUST BE LANDOWNER OR IMMEDIATE FAMILY)

NAME	RELATIONSHIP TO OWNER
MAILING ADDRESS (STREET, RURAL ROUTE, CITY, COUNTY STATE, ZIP)	
HOME PHONE NUMBER	DAY PHONE NUMBER (if different)
DMV/STATE ID NUMBER	GO ID NUMBER (FROM ALDS ISSUED LICENSE)

SECOND APPLICANT (MUST BE LANDOWNER OR IMMEDIATE FAMILY)

NAME	RELATIONSHIP TO LANDOWNER
MAILING ADDRESS (STREET, RURAL ROUTE, CITY, COUNTY STATE, ZIP)	
HOME PHONE NUMBER	DAY PHONE NUMBER (if different)
DMV/STATE ID NUMBER	GO ID NUMBER (FROM ALDS ISSUED LICENSE)

DEER HUNTING ZONE IN WHICH QUALIFYING LANDS ARE LOCATED:

Pursuant to the provisions of Section 554, Title 14, California Code of Regulations, as the owner(s)/fee title holder(s) of not less than 640 acres of critical deer habitat within a deer quota hunting zone requiring a drawing, I (we) hereby make application for a cooperative deer hunting area permit. I (we) hereby certify that this is the only application that I (we) have filed for the current year and that the information provided above is true and correct. I have read and understand the provisions of Section 554, Title 14, California Code of Regulations, and agree to abide by those provisions.

PRINTED NAME AND SIGNATURE(S) OF LANDOWNERS(S) X	DATE
PRINTED NAME AND SIGNATURE X	DATE

DEPARTMENT OF FISH AND WILDLIFE APPROVAL

The CDFW shall review the Application for Cooperative Deer Hunting Area Permit, verify the content thereof, and certify that the lands consist of critical deer habitat prior to the issuance of a Cooperative Deer Hunting Area Permit and deer tag.

REGIONAL MANAGER'S SIGNATURE	REGION	DATE
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SECTION 554, TITLE 14, California Code of Regulations

554. Cooperative Deer Hunting Areas.

To encourage the protection and enhancement of critical deer habitat, to provide added protection to landowners from depredations of trespassers and to provide greater access for the public to hunt on privately owned or controlled lands, the department may establish cooperative hunting areas and issue permits for the take of deer as specified subject to the following conditions:

(a) **Definition and Scope.** A cooperative deer hunting area is an area of private land located within critical deer habitat as determined by the department in deer quota zones (see Section 360) which require public drawings. The cooperative hunting area shall encompass not less than a total of 5,000 acres, except that such area may consist of neighboring lands not less than 640 acres in size under the control of one or more owners.

(b) **Application Process.**

Applications designated on a form issued by the department are available from the Department's website at <https://wildlife.ca.gov/Hunting/Deer>, headquarters, and regional offices:

Region 1, 601 Locust Street, Redding 96001 (530) 225-2300
Region 2, 1701 Nimbus Road, Rancho Cordova 95670 (916) 358-2900
Region 3, 2825 Cordelia Rd., Suite 100, Fairfield 94594 (707) 428-2002
Region 4, 1234 East Shaw Avenue, Fresno 93710 (559) 243-4005
Region 5, 3883 Ruffin Rd., San Diego 92123 (858) 467-4201
Region 6, 3602 Inland Empire Blvd., Ste. C-220, Ontario 91764 (909) 484-0167

(1) **Definitions.**

(A) 'Immediate family' is defined as 'the spouse of such person, any child or stepchild of such person or of the spouse of such person, any spouse of any such child or stepchild, any grandchild or step-grandchild of such person or of the spouse of such person, any spouse of such grandchild or step-grandchild, any sibling of such person sharing ownership in the property, and any spouse of any such sibling.' Immediate family need not live in the household or reside on the property to qualify.

(2) **Eligibility Requirements.**

(A) A person (as defined by Fish and Game Code Section 67) owning at least 640 acres within a cooperative deer hunting area shall be eligible to apply for a cooperative deer hunting area permit. Applicants shall designate up to two individuals eligible to receive deer tags by the date below, except for applicants in zones X3a, X5a, and X5b; applicants may apply for one deer tag in those zones. Such individuals shall be at least 12 years of age, possess a valid California hunting license, and be either the landowner or immediate family of the landowner. 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 of these regulations.

(B) No individual may submit more than one cooperative deer hunting area application per deer season nor may there be more than two cooperative deer hunting area applicants for a given parcel of land.

(3) **Application Materials.**

The following application materials must be submitted to the department's regional office nearest the proposed cooperative deer hunting area and must be received prior to the first Friday in August.

- (A) Completed application form pursuant to subsection (b)(4)
- (B) Applicable fees for first deer tag resident, second deer tag resident, or non-resident, or previous year's Unsuccessful Deer Tag Letter per applicant, pursuant to subsection 702(c) of these regulations.
- (C) Proof of property ownership (copy of deed)
- (D) Proof of property size (property map)

(4) **Application Form.** Application forms are available pursuant to subsection (b).

- (A) For both First and Second Applicant:
Applicant's name, relationship to owner, mailing address, home phone number, day phone number, driver's license number, GO ID number, printed name, signature, and acknowledgement of compliance with provisions.
- (B) Deer hunting zone in which qualifying lands are located.

(5) **Review and Approval.**

The department shall review the cooperative deer hunting application, verify the content thereof, and certify that the lands consist of critical deer habitat prior to the issuance of a cooperative deer hunting area permit and deer tag. Only those applications that are filled out completely will be accepted. There shall be no fee for a cooperative hunting area permit.

(c) A deer tag issued pursuant to the provisions of this section is valid only during the open deer season for the deer zone specified in subsections 360(a) and 360(b) and may only be used on the lands specified in the landowner's application.

(d) All provisions of the Fish and Game Code relating to the take of birds and mammals shall be a condition of all permits and tags issued pursuant to this section.

(e) Any permit or tag issued pursuant to Section 554 may be cancelled or suspended at any time by the commission for cause after notice and opportunity to be heard, or without a hearing upon conviction of a violation of this regulation by a court of competent jurisdiction.

NOTE: Authority cited: Section 1575, Fish and Game Code.
Reference: Sections 713 and 1575, Fish and Game Code.

Memorandum

Date: April 10, 2024

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 17-18, 2024, Fish and Game Commission Meeting
Re: Cooperative Deer Hunts – Pre- Adoption Memo**

The Department of Fish and Wildlife (Department) has prepared this Memorandum to summarize and provide responses to public comments received by the Fish and Game Commission (Commission) on the proposed amendments to Section 554, Title 14, California Code of Regulations, regarding proposed changes to cooperative deer hunting areas application process and tag allocations. The Department is not recommending any further amendments to the regulatory text because there were no public comments received regarding this proposal.

The Department recommends the Commission adopt the proposed rulemaking for cooperative deer hunts.

If you have any questions on this item, please contact Scott Gardner, Wildlife Branch Chief, via phone at (916) 801-6257.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Scott Gardner, Branch Chief
Wildlife Branch
Department of Fish and Wildlife

Robert Pelzman, Captain
Law Enforcement Division
Department of Fish and Wildlife

Mario Klip, Game Conservation and Wildlife Connectivity Program Manager
Wildlife Branch
Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 10, 2024
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Brian Leo, Deer Coordinator
Wildlife Branch
Department of Fish and Wildlife

Regina Vu, Regulations Specialist
Wildlife Branch
Department of Fish and Wildlife

Ona Alminas, Program Manager
Regulations Unit
Department of Fish and Wildlife

Chelle Temple-King, Senior Regulatory Analyst
Regulations Unit
Department of Fish and Wildlife

David Thesell, Program Manager
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

Ari Cornman, Wildlife Advisor
Fish and Game Commission

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

Amend Section 555 and add Section 555.1
Title 14, California Code of Regulations
Re: Cooperative Elk Hunting Areas

I. Date of Initial Statement of Reasons: October 1, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2024

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

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

BACKGROUND

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. Considerations included recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, and authorizing methods of take, among others, to help achieve management goals and objectives. 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. While hunters awarded an elk tag via the Big Game Drawing are

authorized to harvest an elk, it does not authorize access to private property. Some properties are also not conducive to host public hunters through the SHARE program, yet still experience elk conflict. Tags issued under the PLM program are transferable but are often associated with a cost that precludes most hunters from participating. Furthermore, PLM properties enter into agreement with CDFW to manage habitat for the benefit of elk and other wildlife and is not a useful program to reduce unwanted elk activity. 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.

CURRENT REGULATIONS

Regulations for Cooperative Elk Hunting Areas (elk “landowner (LO) tags”) are described in Section 555. The purpose of this program is to encourage protection and enhancement of elk habitat and provide eligible landowners with an opportunity for limited elk hunting on their lands. To be eligible for application, a person must own at least 640 acres of contiguous parcels within a cooperative elk hunting area that is open to the public, elk hunt zones as defined in Section 364, that shall be a minimum size of 5,000 acres. The number of LO tags issued annually shall not exceed 20% of the number of public license tags for the corresponding public hunt for the same tag designation type (i.e., antlerless, spike bull, bull, or either-sex).

Applicants must complete an application form to be received by the Department by the first business day following July 1. If the number of accepted applications exceeds the number of license tags available, the Department determines successful applicants and a list of alternates by conducting a random drawing from the pool of qualified applicants as soon as possible after the application deadline. Successful applicants who are awarded a tag are notified as soon as possible after completion of the drawing. Successful applicants can use the tag themselves, or transfer the tag to another individual. Applicants must submit the name, address, and valid California hunting license number of the designated elk license tag recipients to the Department by the first business day following August 1.

PROPOSED REGULATORY CHANGES

Amend Section 555

Subsection 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 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.
- Amend this section to add: 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.

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 Subsection 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

Add: Subsection 555.1(a)

Begin this subsection with: Definition and Scope. In areas where landowners experience chronic, elevated levels of human-elk conflict as determined by the Department, landowner

tags shall be issued in a modified fashion distinct from Section 555(a) to help reduce unwanted human-elk conflict. Minimum size of a conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size. Within the conflict zones open to public elk hunting as described in Subsection 555.1(b), the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with Section 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.

Add: Subsection 555.1(b)

Begin this subsection with: For the purposes of these regulations, a conflict zone cooperative elk hunting area is an area of private land as described in Subsection 555.1(a) located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(1)(A), 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A).

Add: Subsection 555.1(c)

Begin this subsection with: An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30th annually. All other provisions described under Section 555, including 555(b) shall apply to this subsection.

(b) Goals and Benefits of the Regulation

The goal and benefits of these regulations serve to update administration of the landowner tags through the Cooperative Elk Hunting Area program by updating the application instructions, correcting outdated references and provide clarification to eligibility within the regulation, and provide clarification for conflict zones to allow flexibility for active management.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Section 555

Authority: 1575, Fish and Game Code

Reference: 67, 713 and 1575, Fish and Game Code

Section 555.1

Authority: 1575, Fish and Game Code

Reference: 67 and 1575, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Wildlife Resources Committee, May 2023

Wildlife Resources Committee, September 2023

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

Various issuance percentages relative to the tag designation type may be used to increase hunting opportunity. For example, under the proposed 555.1 bull tags could be issued at 50% of the public tags for the corresponding public hunt, 100% for antlerless, 50% for spike bull, and 50% for either-sex, or some variation thereof.

(b) No Change Alternative

Without the proposed changes, 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; 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 affected populations.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 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 deer landowner tags over the entire state, this proposal is 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.

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

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 Costs:

None

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

This regulatory action is not anticipated to create any adverse impacts to businesses or the state economy.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The proposed regulation changes are unlikely to impact expansion of businesses currently doing business in the state.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the

outdoors and an awareness of the relationships between wildlife, habitat, and humans, and can be a family tradition and a bonding activity.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on worker safety.

(f) Benefits of the Regulation to the State's Environment

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of populations of elk to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically based elk seasons and tag quotas provides for the maintenance of elk populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation.

(g) Other Benefits of the Regulation

Increased equity of opportunity in premium zones, updated language and information that will facilitate the landowner application process.

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).

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.

Proposed Regulatory Language

Section 555, Title 14 CCR, is amended to read:

§ 555. Cooperative Elk Hunting Areas.

To encourage protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands, the department may establish cooperative elk hunting areas and issue license tags to allow the take of elk as specified in Section 364, and subject to the following conditions:

(a) Definition and Scope. A cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting ~~(as identified in Section 364).~~ Minimum size of a cooperative elk hunting area shall be 5,000 acres, except that contiguous parcels of at least 640 acres in size may be combined to comprise a cooperative elk hunting area. hunting. The cooperative hunting area shall encompass not less than a total of 5,000 acres, except that such area may consist of neighboring lands not less than 640 acres in size under the control of one or more owners.

Within an area open to public elk hunting, the number of cooperative elk hunting license tags issued shall not exceed 20 percent of the number of general methods public license tags for the corresponding public hunt and shall be of the same designation (i.e., antlerless, spike bull, bull or either-sex) as the public license tags. Public license tags shall equate to the sum of the general methods elk license tags under Section 364 and the Shared Habitat Alliance for Recreational Enhancement (SHARE) elk license tags under Section 364.1 for the corresponding hunt and for the same designation issued annually.

(b) Application Process. ~~Application forms~~ Applications, designated on a form issued by the department, are available from the department's headquarters and regional ~~offices.~~ offices:

Region 1, 601 Locust Street, Redding 96001 (530) 225-2300

Region 2, 1701 Nimbus Road, Rancho Cordova 95670 (916) 358-2900

Region 3, 2825 Cordelia Rd., Suite 100, Fairfield 94594 (707) 428-2002

Region 4, 1234 East Shaw Avenue, Fresno 93710 (559) 243-4005

Region 5, 3883 Ruffin Rd., San Diego 92123 (858) 467-4201

Region 6, 3602 Inland Empire Blvd., Ste. C-220, Ontario 91764 (909) 484-0167

(1) Eligibility Requirements.

A person (as defined by Fish and Game Code Section 67) owning at least 640 acres within a cooperative elk hunting area shall be eligible to apply for a cooperative elk hunting area permit. The applicant for a cooperative elk hunting area permit shall be an owner of said land and they ~~Applicants~~ shall designate one individual eligible to receive one elk license tag by the date indicated under subsection ~~(35)~~ below. Such individuals shall be at least 12 years of age and possess a valid California hunting license. A person may annually submit a cooperative elk hunting area application where they own sufficient habitat as described in subsection (a) above, for each public hunt area in which their property occurs.

~~(1) Applications shall be submitted to the department's regional office nearest the proposed cooperative elk hunting area. Department of Fish and Game regional offices are located as follows:~~

~~Northern California and North Coast Region, 601 Locust Street, Redding 96001 (530) 225-2300~~

~~Sacramento Valley and Central Sierra Region, 1701 Nimbus Road, Rancho Cordova 95670 (916) 358-2900~~

~~Central Coast Region, 7329 Silverado Trail, Box 47, Yountville 94599 (707) 944-5500~~

~~San Joaquin Valley and Southern Sierra Region, 1234 East Shaw Avenue, Fresno 93710 (559) 243-4005~~

~~South Coast Region, 4949 View Crest Avenue, San Diego 92123 (858) 467-4201~~

~~Eastern Sierra and Inland Deserts Region, 4775 Bird Farm Road, Chino Hills 91709 (909) 597-9823~~

(2) Application Materials.

The following application materials must be submitted to the department's regional office nearest the proposed cooperative elk hunting area by the first business day following July 1.

(A) Completed application form pursuant to subsection (b)(3)

(B) Applicable fees for resident or non-resident elk tags, pursuant to Fish and Game Code Section 332, subdivision (c) and adjusted annually pursuant to Fish and Game Code Section 713.

(C) Proof of property ownership (copy of deed)

(D) Proof of property size (property map)

(3) Application Form. Application forms are available pursuant to subsection (b).

(A) Applicant: applicant's name, title (if applicable), mailing address, business name (if applicable), driver's license number, telephone number, applicant signature, and acknowledgement of compliance with provisions.

(B) Property: location of qualifying lands (county, section, township, and range), and name of elk zone where qualifying land is located.

(C) First through third preference tag: bull, antlerless, or either-sex, and hunt code.

(4) Review and Approval

~~(2) Completed applications must be received by the first business day following July 1. Only those applications that are filled out completely will be accepted. The department shall review the cooperative elk hunting application, verify the content thereof, and certify that the lands consist of important elk habitat prior to the issuance of a cooperative elk hunting permit and elk tag. The Department will evaluate applications to determine if the specified parcels are~~

~~of sufficient size within the boundary of a public elk hunt area, and contain important elk habitat. Rejected applications and those that are incomplete will be returned within 15 days of receipt by the department.~~ If the number of accepted applications exceeds the license tags available, the department will determine successful applicants and a list of alternates by conducting a random drawing from the pool of qualified applicants as soon as possible after the application deadline. For any license year that the demand for cooperative elk hunting license tags within an area open to public hunting (as identified in Section 364) exceeds the number of tags available, tags will be first issued to applicants that did not receive a tag the previous year. If the quota is not filled, tags will be issued to the remaining applicants by random drawing. ~~(3)~~ Successful applicants will be notified by the department as soon as possible after the application deadline.

(5) Designated Recipients. Applicants shall submit the name, address, and valid California hunting license number of designated elk license tag recipients and payment of elk license tag fees by check, money order, or credit card authorization in the amount specified by subsection 702(~~bc~~)(1)(~~L~~)(~~M~~), to the department's regional office nearest the proposed cooperative elk hunting area, by the first business day following August 1.

(c) An elk license tag issued pursuant to the provisions of this section is valid only during the general elk season in which the cooperative elk hunting area occurs and shall only be used on land specified in the landowner's application. License tags are not transferable.

(d) All provisions of the Fish and Game Code and Title 14, CCR, relating to the take of birds and mammals shall be conditions of all license tags issued pursuant to this section.

(e) Any permit issued pursuant to Section 555 may be canceled or suspended at any time by the commission for cause after notice and opportunity to be heard, or without a hearing upon conviction of a violation of this regulation by a court of competent jurisdiction.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67, 713 and 1575, Fish and Game Code.

Proposed Regulatory Language

Section 555.1, Title 14 CCR, is added as follows:

§ 555.1. Conflict Zone Cooperative Elk Hunting Areas.

- (a) Definition and Scope. A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(1)(A), 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.
- (b) Within the conflict zones open to public elk hunting, the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across sections 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with subsection 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.
- (c) An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30 annually. All provisions described under Section 555, including 555(b) shall apply to this subsection.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67 and 1575, Fish and Game Code.



2024 APPLICATION FOR COOPERATIVE ELK HUNTING AREA TAG

DFW 1449 (Rev. 10/23)

FEE*: RESIDENT—\$528.75 | RESIDENT JUNIOR TAG — \$24.21 | NONRESIDENT—\$1,619.75

*FEE REQUIRED ONLY IF APPLICANT IS DRAWN. FEE MUST BE RECEIVED BY THE FIRST BUSINESS DAY AFTER AUGUST 1.

COMPLETED APPLICATION MUST BE RECEIVED BY THE FIRST BUSINESS DAY AFTER JULY 1

If the number of accepted applications for a hunting area exceeds the tags available, the Department will determine successful applicants and a list of alternates by conducting a random drawing from the pool of qualified applicants as soon as possible after the application deadline. Qualified applicants will consist of applicants that were not issued the same tag in the previous year. Please contact your CDFW regional office for more information.

INSTRUCTIONS: Complete this application and mail with the following items to the Department of Fish and Wildlife (Department regional office for the area where your property is located: 1) proof of ownership (such as copy of deed); and 2) Proof of property size (plat map from county assessor). See regulations on the back of this form.

TYPE OR PRINT CLEARLY

DMV STATE ID NUMBER

APPLICANT'S FIRST NAME	M.I.	LAST NAME	TITLE (If any)
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MAILING ADDRESS

CITY	STATE	ZIP CODE	TELEPHONE
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BUSINESS NAME/TITLE (If any)

LOCATION OF QUALIFYING LANDS (COUNTY, SECTION, TOWNSHIP AND RANGE)

USE INFORMATION AND HUNT CODES FROM THE CALIFORNIA BIG GAME HUNTING DIGEST TO COMPLETE THE FOLLOWING

NAME OF ELK HUNT ZONE WHERE QUALIFYING LAND IS LOCATED:

1ST PREFERENCE TAG (CIRCLE ONE):

BULL ANTLERLESS EITHER-SEX HUNT CODE _____

2ND PREFERENCE TAG (CIRCLE ONE):

BULL ANTLERLESS EITHER-SEX HUNT CODE _____

3RD PREFERENCE TAG (CIRCLE ONE):

BULL ANTLERLESS EITHER-SEX HUNT CODE _____

Pursuant to the provisions of Section 555, Title 14, California Code of Regulations, as the owner(s)/fee title holder(s) of not less than 640 acres of critical elk habitat within an elk tag quota hunting zone requiring a drawing, I hereby make application for a Cooperative Elk Hunting Area Permit. I hereby certify that this is the only application that I have filed for the current year and that the information provided above is true and correct. I have read and understand the provisions of Section 555, Title 14, California Code of Regulations, and agree to abide by those provisions.

SIGNATURE OF APPLICANT	DATE
------------------------	------

X

With accordance to California Civil Code §1633.5(b), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

DEPARTMENT OF FISH AND WILDLIFE APPROVAL

The CDFW has verified the contents of this application and confirmed that lands specified above are located within the boundaries of a public elk hunting area.

REGIONAL MANAGER'S SIGNATURE	REGION	DATE
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ELK TAG INVENTORY NUMBER	ISSUED BY	DATE
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NAME OF DESIGNATED TAG HOLDER	GO ID NUMBER (From ALDS Issued License)
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SECTION 555 and 555.1, TITLE 14, California Code of Regulations

§Section 555. Cooperative Elk Hunting Areas

To encourage protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands, the department may establish cooperative elk hunting areas and issue license tags to allow the take of elk as specified in Section 364, and subject to the following conditions:

(a) Definition and Scope. A cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting. The cooperative hunting area shall encompass not less than a total of 5,000 acres, except that such area may consist of neighboring lands not less than 640 acres in size under the control of one or more owners.

Within an area open to public elk hunting, the number of cooperative elk hunting license tags issued shall not exceed 20 percent of the number of general methods public license tags for the corresponding public hunt and shall be of the same designation (i.e., antlerless, spike bull, bull or either-sex) as the public license tags. Public license tags shall equate to the sum of the general methods elk license tags under section 364 and the Shared Habitat Alliance for Recreational Enhancement (SHARE) elk license tags under section 364.1 for the corresponding hunt and for the same designation issued annually.

(b) Application Process.

Applications, designated on a form issued by the department, are available from the department's headquarters and regional offices:

Region 1, 601 Locust Street, Redding 96001 (530) 225-2300

Region 2, 1701 Nimbus Road, Rancho Cordova 95670 (916) 358-2900

Region 3, 2825 Cordelia Rd., Suite 100, Fairfield 94594 (707) 428-2002

Region 4, 1234 East Shaw Avenue, Fresno 93710 (559) 243-4005

Region 5, 3883 Ruffin Rd., San Diego 92123 (858) 467-4201

Region 6, 3602 Inland Empire Blvd., Ste. C-220, Ontario 91764 (909) 484-0167

(1) Eligibility Requirements.

A person (as defined by Fish and Game Code Section 67) owning at least 640 acres within a cooperative elk hunting area shall be eligible to apply for a cooperative elk hunting area permit. The applicant for a cooperative elk hunting area permit shall be an owner of said land and they shall designate one individual eligible to receive one elk license tag by the date indicated under subsection (6) below. Such individuals shall be at least 12 years of age and possess a valid California hunting license. A person may annually submit a cooperative elk hunting area application where they own sufficient habitat as described in subsection (a) above, for each public hunt area in which their property occurs.

(2) Application Materials.

The following application materials must be submitted to the department's regional office nearest the proposed cooperative elk hunting area by the first business day following July 1.

(A) Completed application form pursuant to subsection (b)(3)

(B) Applicable fees for resident or non-resident elk tags, pursuant to Fish and Game Code Section 332 (c) and adjusted annually pursuant to Fish and Game Code Section 713.

(C) Proof of property ownership (copy of deed)

(D) Proof of property size (property map)

(3) Application Form. Application forms are available pursuant to subsection (b).

(A) Applicant: applicant's name, title, mailing address, business name (if applicable), driver's license number, signature, and acknowledgement of compliance with provisions.

(B) Property: location of qualifying lands (county, section, township, and range), and name of elk zone where qualifying land is located.

(C) First through third preference tag: bull, antlerless, or either-sex, and hunt code

(5) Review and Approval

Only those applications that are filled out completely will be accepted. The department shall review the cooperative elk hunting application, verify the content thereof, and certify that the lands consist of important elk habitat prior to the issuance of a cooperative elk hunting permit and elk tag.

If the number of accepted applications exceeds the license tags available, the department will determine successful applicants and a list of alternates by conducting a random drawing from the pool of qualified applicants as soon as possible after the application deadline. For any license year that the demand for cooperative elk hunting license tags within an area open to public hunting (as identified in 364) exceeds the number of tags available, tags will be first issued to applicants that did not receive a tag the previous year. If the quota is not filled, tags will be issued to the remaining applicants by random drawing. Successful applicants will be notified by the department as soon as possible after the application deadline.

(6) Designated Recipients. Applicants shall submit the name, address, and valid California hunting license number of designated elk license tag recipients and payment of elk license tag fees by check, money order, or credit card authorization in the amount specified by subsection 702(c)(1) to the department's regional office nearest the proposed cooperative elk hunting area, by the first business day following August 1.

(c) An elk license tag issued pursuant to the provisions of this section is valid only during the general elk season in which the cooperative elk hunting area occurs and shall only be used on land specified in the landowner's application. License tags are not transferable.

(d) All provisions of the Fish and Game Code and Title 14, CCR, relating to the take of birds and mammals shall be conditions of all license tags issued pursuant to this section.

(e) Any permit issued pursuant to Section 555 may be canceled or suspended at any time by the commission for cause after notice and opportunity to be heard, or without a hearing upon conviction of a violation of this regulation by a court of competent jurisdiction.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67, 713 and 1575, Fish and Game Code.

§ 555.1. Conflict Zone Cooperative Elk Hunting Areas.

- (a) Definition and Scope. A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(1)(A), 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.
- (b) Within the conflict zones open to public elk hunting, the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across sections 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with subsection 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.
- (c) An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30 annually. All provisions described under Section 555, including 555(b) shall apply to this subsection.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67 and 1575, Fish and Game Code.

Proposed Regulatory Language

Section 555.1, Title 14 CCR, is added as follows:

§ 555.1. Conflict Zone Cooperative Elk Hunting Areas.

Option 1:

- (a) Definition and Scope. A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(1)(A), 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.
- (b) Within the conflict zones open to public elk hunting, the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across sections 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with subsection 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.
- (c) An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30 annually. All provisions described under Section 555, including 555(b) shall apply to this subsection.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67 and 1575, Fish and Game Code.

Option 2:

- (a) Definition and Scope. A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.

- (b) Within the conflict zones open to public elk hunting, the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across sections 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with subsection 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.
- (c) An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30 annually. All provisions described under Section 555, including 555(b) shall apply to this subsection.

NOTE: Authority cited: Section 1575, Fish and Game Code.
Reference: Sections 67 and 1575, Fish and Game Code.

State of California
Fish and Game Commission
Pre-Adoption Statement of Reasons for Regulatory Action

Amend Section 555 and add Section 555.1
Title 14, California Code of Regulations
Re: Cooperative Elk Hunting

I. Dates of Statements of Reasons

(a) Initial Statement of Reasons Date: October 1, 2023

(b) Pre-Adoption Statement of Reasons Date: March 20, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

 Date: December 13, 2023 Location: San Diego

(b) Discussion Hearing

 Date: February 15, 2024 Location: Sacramento

(c) Adoption Hearing

 Date: April 18, 2024 Location: San Jose

III. Description of Modification of Originally Proposed Language of Initial Statement of Reasons (ISOR)

An Option 2 has been added to remove the Siskiyou hunt zone from the classification of “conflict zones,” in Section 555.1 for consideration by the Fish and Game Commission (Commission) at its April 18, 2024 meeting. A continuation notice with the addition of Option 2 was publicly noticed on April 5, 2024 and is available on the Commission’s [website](#).

IV. Reasons for Modification of Originally Proposed Language of ISOR:

The originally proposed language has been modified in response to public comment (see attachment).

V. Summary of Primary Considerations Raised in Opposition and in Support

**Siskiyou County Fish and Game Commission, dated February 7, 2024
Comment Summary:**

1. Siskiyou County Fish and Game Commission (SGFGC) does not support the Department’s classification of the Siskiyou EMU [Elk Management Unit] as a “conflict zone” and object to it being designated as a conflict zone. SCFGC proposes that the Siskiyou EMU continues to be managed under the current 555 program rules and regulations.
2. The SCFGC is supportive of the SHARE program and would like to see it grow beyond the two existing private landowners currently enrolled within the Siskiyou EMU. The SCFGC has concerns about the size of SHARE properties and supports a minimum acreage of 640 acres unless there are special circumstances. The SCFGC recommends allowing adjacent

properties to combine acreage to increase the size of the property enrolled in the program and does not recommend reducing the minimum acreage.

3. The SCFGC requests a meeting with the Department to review elk population data that allows for the current proposed increase in elk hunting tags, and, if the data support the proposed review, requests that tags are more evenly distributed to General Public Hunts, the SHARE program, and the Cooperative Hunting Area program.

See attachment for complete comment. (SGFGC comment letter)

Response: An Option 2 has been added to the proposed regulatory text to remove the Siskiyou hunt zone from the classification of “hunt zones,” in Section 555.1.

Updated 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).

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.

UPDATE

Section 555.1: added an alternative option to 555.1(a) that removes the Siskiyou hunt zone from the definition of conflict zone. 555.1(a) Option 2 is edited to read: “Definition and Scope: A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.”

Revised Proposed Regulatory Language

Section 555.1, Title 14 CCR, is added as follows:

§ 555.1. Conflict Zone Cooperative Elk Hunting Areas.

Option 1:

- (a) Definition and Scope. A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(1)(A), 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.
- (b) Within the conflict zones open to public elk hunting, the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across sections 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with subsection 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.
- (c) An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30 annually. All provisions described under Section 555, including 555(b) shall apply to this subsection.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67 and 1575, Fish and Game Code.

Option 2:

- (a) Definition and Scope. A conflict zone cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting as identified in subsections 364(a)(2)(A), 364(b)(2)(A), and 364(c)(1)(A), in which landowners experience chronic, elevated levels of human-elk conflict, as determined by the department. The conflict zone cooperative elk hunting area shall be contiguous parcels of at least 60 acres in size.
- (b) Within the conflict zones open to public elk hunting, the number of conflict zone cooperative elk hunting license general methods antlerless tags issued shall be up to 100 percent of the number of public license general methods antlerless tags issued annually for the corresponding public hunt (i.e., a 1 to 1 public license antlerless tag to landowner antlerless tag ratio). The corresponding public hunt is comprised of the annual sum of general methods license tags issued across sections 364 and 364.1. Within a conflict zone cooperative elk hunting area, the remaining tag designations (i.e., spike bull, bull, or either-sex) shall be issued consistent with subsection 555(a). Any elk zones described in Section 364 excluded from this subsection shall conform to all criteria described in Section 555.

(c) An elk license tag issued pursuant to the provisions of this subsection is valid commensurate with the first day of the general methods elk season in which the conflict zone cooperative elk hunting area occurs, as described under Section 364, through November 30 annually. All provisions described under Section 555, including 555(b) shall apply to this subsection.

NOTE: Authority cited: Section 1575, Fish and Game Code.

Reference: Sections 67 and 1575, Fish and Game Code.

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

Amend Sections 708.14
Title 14, California Code of Regulations
Re: Big Game License Tag Drawing System

I. Date of Initial Statement of Reasons: November 15, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing:

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing:

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing:

Date: April 18, 2024

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

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

BACKGROUND

The Fish and Game Commission (Commission) periodically considers recommendations from the Department of Fish and Wildlife (Department) in establishing big game mammal hunting regulations. Specifically, the Department manages deer, bighorn sheep, pronghorn antelope and elk resources in California. Deer hunting tags, elk hunting tags, bighorn sheep hunting tags, and pronghorn antelope hunting tags are required to hunt these species in California.

CURRENT REGULATIONS

Regulations describing hunting zones and seasons for deer are described in sections 360 and 361, bighorn sheep in Section 362, pronghorn antelope in Section 363, and elk in Section 364. The Department distributes hunting tags for deer, elk, bighorn sheep, and pronghorn antelope annually via a big game drawing for a specific area and season. Some deer tags for certain hunt zones include both an early archery-only season and a subsequent "general" season by firearm and archery.

Public demand for certain deer tags and all bighorn sheep, pronghorn antelope, and elk hunting tags exceeds the available opportunities; therefore, a modified preference point system (subsection 708.14(a)) provides preference to hunters who have applied for, but not drawn, tags in past drawings. Before the start of the hunting license year (which runs from

July 1 through June 30), a hunter may apply through the Automated License Data System (ALDS) between April 15 and June 2 for a deer, bighorn sheep, pronghorn antelope, or elk hunting tag. If the hunter is not drawn, the hunter receives a preference point which gives that hunter preference in future drawings for that game species. A portion of the tags for each species are issued randomly to allow some opportunity for new hunters or hunters that do not have enough preference points to draw through the preference point portion of the drawing.

Many big game hunts require years of accumulated preference points to even have the opportunity. Others require the maximum number of preference points, and are “once in a lifetime” draws. For deer, hunters may make up to three hunt choices. Applicants can indicate their preferred first tag choice, which is considered along with the number of accumulated preference points. All remaining unsuccessful applications are then sorted by second tag choice, in random number order (starting with the lowest random number to the highest random number). A second round of drawings is then conducted for any zones and hunts with tags remaining without consideration of accumulated points.

Deer tags are classified pursuant to subsection 708.1(a)(2)(A) by three types:

- Premium, which include those tags where the tag quota filled on or before the first business day after July 1 in the immediately preceding license year;
- Restricted, which include all non-Premium tags where the tag quota filled on or before on or before the first business day after August 1 in the immediately preceding license year; and
- Unrestricted, which include those tags where the tag quota did not fill on or before the first business day after August 1 in the immediately preceding license year.

Existing regulations in subsections 708.14(j) and 708.14(k) outline the process for returning a big game tag if a hunter was unable to hunt under their first choice. That process requires the hunter to submit to the Department a written request to retain their existing preference point total and earn one preference point for that year. Request for refunds for bighorn sheep, pronghorn, and elk tag fees also exists under subsection 708.14(k). The Department may consider the request if the tag is returned to the Department’s License and Revenue Branch before the season starts for which the tag is valid. Tags are offered to the first alternate, and so on. If a hunt area is inaccessible for sixty-six percent (66%) or more of a hunt season due to a public land closure caused by wildfire, customers may return their tags for preference points reinstatement and, if applicable, tag refund.

This regulatory proposal would affect hunters who were drawn for deer hunts in zones defined in Title 14 Section 708.1 and described as Premium Deer Hunt Tags, bighorn sheep hunts in zones defined in Title 14, Section 362, pronghorn antelope hunts in zones defined in Title 14, Section 363, and elk hunts in zones defined in Title 14, Section 364.

PROPOSED REGULATORY CHANGES

The proposed changes focus on preference point reinstatement for members of a party and for apprentice hunters. The last time these regulations were subject to major amendment was April 18, 2022. The proposed amendments here represent the results of the

Department's internal discussions, input from Petition 2021-17, and public comment. The proposed changes are necessary to make hunting opportunities more equitable.

1. The party preference point rule needs to be changed regarding how tags may be returned. Propose that 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 portion) – otherwise the carcass portion 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.

Amend Subsection 708.14(j): Process for requesting preference point reinstatements and tag refunds for deer.

For the phrase “unfilled tag”, amend to “entire unfilled tag (including carcass portion)”

Subsection 708.14(j)(1) - For the phrase “unfilled tag”, amend to “entire unfilled tag (including carcass portion)”

The party preference point rule currently has a loophole that allows hunters with few preference points to repeatedly leverage the preference points of other hunters who have many preference points, because the hunters with many preference points can return their tag for point reinstatement year after year. At the end of the paragraph, add: “If returning tags as member of a party, individual party members may return tags only if their points are less than or equal to the party's point average. For party members who have more points than the party's point average to have their points reinstated, all members of the party must return their tags for point reinstatement.” This clarification is necessary because 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.

Subsection 708.14(j)(2)(A) - Remove entirely as it is obsolete as the timing of the 2021 hunting license year has already passed.

Subsection 708.14(j)(2)(B) - is now re-numbered as subsection 708.14(j)(2)

Amend Subsection 708.14(k): Process for requesting preference point reinstatements and tag refunds for elk, antelope, or bighorn sheep tag in the big game drawing.

For the phrase “unfilled tag”, amend to “entire unfilled tag (including carcass portion)” - This change is necessary to eliminate the possibility for illegitimate use of the carcass portion of the tag.

Subsection 708.14(k)(1) - For the phrase “unfilled tag”, amend to “entire unfilled tag

(including carcass portion)” - This change is necessary to eliminate the possibility for illegitimate use of the carcass portion of the tag.

Subsection 708.14(k)(2)(A) - Remove entirely as it is obsolete as the timing of the 2021 hunting license year has already passed.

Subsection 708.14(k)(2)(B) - is now re-numbered as subsection 708.14(k)(2)

Add Subsection 708.14(l): Preference point reinstatement for apprentice hunters.

Subsection 708.14(l): Add “Apprentice hunters must return all premium first-choice tags to be eligible for preference points reinstatement. All returned tags must meet eligibility requirements for point reinstatement. Tagholders must submit written request along with entire unfilled tags (including carcass portion) for preference point reinstatement.” This change is necessary because 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.

Non substantive changes

Non substantive changes are made throughout Section 708.14 to correct for spelling, punctuation, and gender neutrality.

(b) Goals and Benefits of the Regulation

The goal of the proposed regulation is to remove a loophole in the tag return rules, thus improving equity of hunting opportunity. All other changes further improve equity of hunter opportunity and/or facilitate administration.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Sections 200, 203, 219, 265, 270, 275, 331, 332, 1050, 1572, 4302 and 10502, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4902, 10500 and 10502, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None

(e) Identification of Reports or Documents Supporting Regulation Change

None

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

- The Wildlife Resources Committee discussed the proposed regulations at its January 13, 2022, January 11, 2023, and September 19, 2023 meetings.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

The no-change alternative was considered and rejected because it would not attain project objectives of providing for equitable hunting opportunities.

(b) No Change Alternative

Without the proposed changes, the outstanding issues concerning the regulations currently governing preference points would remain unaddressed.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 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. 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

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

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 Costs:

None

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

No impacts to the creation or elimination of jobs are anticipated from this regulatory amendment.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

No impacts to the creation of new businesses or the elimination of existing businesses within the State are anticipated from this regulatory amendment.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

No impacts to the expansion of businesses currently doing business within the State are anticipated.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

No impacts to worker safety are anticipated.

(f) Benefits of the Regulation to the State's Environment

The proposed changes should have no environmental effect.

(g) Other Benefits of the Regulation

Increased equity of hunting opportunities.

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).

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.

§ 708.14. Big Game License Tag Drawing System.

(a) General Conditions

(1) Except as otherwise provided, the department shall award license tags for premium deer, bighorn sheep, elk and pronghorn antelope hunts, as described in sections 360(b) and (c), 361, 362, 364 and 363, using a Modified-Preference Point drawing system.

(2) Except as otherwise provided, the Modified-Preference Point drawing system shall award proportions of hunt tag quotas, as specified for each species, using the following drawing methods:

(A) Preference Point Drawings. Tags are awarded based on the following order of priority: an applicant's hunt choice (first choice only for deer), accumulated point totals by species (highest to lowest), and computer-generated random number (lowest to highest).

(B) Draw-By-Choice Drawings. Tags are awarded according to an applicant's hunt choice and computer-generated random number (lowest to highest), without consideration of accumulated points.

(3) Except as otherwise provided, applicants unsuccessful in receiving a tag for premium deer (based on first choice selection), bighorn sheep, elk or pronghorn antelope hunts shall earn one (1) preference point for use in future Big Game Drawings.

(4) To earn and accumulate a point for any species, a person shall comply with all application requirements for that species as specified in sections 708.1, 708.9, 708.10 and 708.11 including the following conditions:

(A) Applicants for premium deer license tags, pronghorn antelope license tags, or elk license tags shall be at least 12 years of age on or before July 1 of the license year for which they are applying.

(B) Applicants for Nelson ~~big horn~~ bighorn sheep license tags shall be at least 16 years of age on or before July 1 of the license year for which they are applying.

(C) Applicants shall possess a valid annual California hunting license valid for the hunting season requested.

(D) Applications for bighorn sheep, pronghorn antelope and elk hunts shall include the appropriate nonrefundable processing fees as specified in Section 702.

(E) ~~Any applicant~~ Applicants shall apply for a premium deer license tag, bighorn sheep license tag, pronghorn antelope license tag and elk license tag through the department's Automated License Data System terminals at any department license agent or department license sales office by June 2 each year.

(F) Each applicant who submits a premium license tag, as noted in (E) above, through the department's Automated License Data System terminals at department license agents and department license sales offices shall receive a "big game drawing receipt" printed from the terminal. The receipt shall contain the customer's name and permanent identification number, proof of entry into the big game drawing for the license year, hunt choices for each species, accumulated preference points for each species, and Party Identification Number.

(G) Except for apprentice deer hunt applicants, applicants shall not submit more than one drawing application for each species during the same license year.

(b) Party Applications, Residency

(1) No more than six persons shall apply together as a party for premium deer license tags. Applicants for premium deer license tags may be residents or nonresidents.

(2) No more than two residents shall apply together as a party for elk license tags. Nonresidents shall not apply as a party for elk license tags.

(3) No more than two residents shall apply together as a party for pronghorn antelope license tags. Nonresidents shall not apply as a party for pronghorn antelope license tags.

(4) Applicants shall not apply as a party for bighorn sheep license tags.

(5) Each year upon application, each applicant shall specify if the applicant is applying as an individual, a party leader or joining an existing party.

(6) Applicants applying as an individual or as a party leader shall be assigned a Party Identification Number from the department's Automated License Data System terminal at the time of application each year. Applicants shall be assigned a Party Identification Number for each species.

(7) To apply as a party, the party leader shall apply first and provide ~~his/her~~ their assigned Party Identification Number to the other party members.

(8) Applicants joining an existing party shall provide the Party Identification Number of the party leader when ~~he/she applies~~ they apply to join the party.

(9) Applicants joining a party shall be assigned the same tag choices in the same order of preference as the party leader.

(10) All party members shall be awarded tags according to the choices selected by the party leader.

(c) No applicant shall earn more than one (1) preference point per species, per drawing, for use in future drawings. Preference points are accumulated by species and shall not be transferred to another species or another person. Preference points are not zone or hunt specific.

(d) Except as otherwise provided, successful applicants receiving tags for their first choice premium deer, bighorn sheep, elk or pronghorn antelope hunts shall lose all preference points for that species.

(e) For party applications, the department shall use the average preference point value of all party members (total preference points for the party divided by number of party members) as the basis for consideration in the drawing for that species. Point averages shall not be rounded.

(f) Except as otherwise provided, persons who do not wish to apply for an antelope, elk, bighorn sheep or premium deer tags, may earn one (1) preference point for any or all of these

species, by submitting the appropriate application(s), as specified in sections 708.1, 708.9, 708.10 and 708.11, and selecting the point code number for that species, as defined by the department, as the hunt choice (first choice only for deer) through the department's Automated License Data System terminals at any department license agent or department license sales office. Persons applying for a preference point in this manner shall be subject to the same application requirements as regular drawing applicants as specified in subsection 708.14.

(g) The department shall maintain records of preference points earned by individual applicants based on the identification number assigned to each customer by the department's Automated License Data System. The customer's identification number, Get Outdoors ID (GO ID), will be printed on each drawing receipt issued by the Automated License Data System. Applicants shall notify the department's License and Revenue Branch in Sacramento, in writing, of any changes or corrections regarding name, mailing address, or date of birth.

(h) Persons not applying for premium deer, bighorn sheep, elk, or pronghorn antelope hunts through the department's Big Game Drawings for five (5) consecutive years shall have their preference points for that species reduced to zero (0). For the purposes of this subsection, persons whose applications are disqualified from drawing shall be considered the same as persons not applying. Applying for preference points as described in (f) above, will keep an applicant's file active.

(i) Any person may appeal incomplete, late and ineligible applications or applications submitted without the appropriate processing fee that were not included in the department's big game drawing and the hunter did not earn a preference point. The appeal shall be in writing and describe the basis for the appeal. The appeal shall be received by the department's License and Revenue Branch in Sacramento, or if mailed, postmarked on or before May 31 of the following year. The department, upon consideration of the appeal, may grant the appeal and award one preference point to the appellant. If the department grants the appeal for a preference point, the appellant shall pay all the applicable fees. The department shall not award a preference point unless the appellant pays all the applicable fees.

(j) Any applicant who was drawn for the applicant's first deer tag choice in the big game drawing (becoming a tag holder) and cannot hunt for any reason may return their entire unfilled tag (including carcass portion) and submit a written request to retain their accumulated preference point total and earn one preference point for deer for that license year. If the request is granted, the tag holder shall retain the preference point total the tag holder accumulated prior to the big game drawing and earn one preference point for deer for that license year. The department shall not refund the fees paid for a resident deer tag. To be eligible for preference point reinstatement, tag holders must meet one of the criteria below:

(1) Before a season starts. The tag holder must return the entire unfilled tag (including carcass portion) with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked prior to the earliest date the tag is valid for hunting. For tags that are valid for both an archery season, and a general season pursuant to sections 360 and 361 of these regulations, the written request must be postmarked prior to the opening date of the earliest season. The department may refund the difference between the fee paid for a nonresident deer tag and a resident deer tag for any nonresident. Party members may return their deer tags only if their points are less than or equal to the

party's point average. For party members who have more points than the party's point average to have their points reinstated, all members of the party must return their tags for point reinstatement.

(2) After a season starts.

~~(A) For the 2021 hunting license year, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of a hunt season (pursuant to sections 360 and 361 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement. For tags that are valid for both an archery season and a general season, only the general season shall be considered for the calculation of the percentage of hunt season lost. The tag holder must return their unfilled deer tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked prior to May 1, 2022. Requests postmarked on or after May 1, 2022 shall not be considered.~~

~~(B) Commencing with the 2022 hunting license year beginning July 1, 2022, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of a hunt season (pursuant to sections 360 and 361 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement. For tags that are valid for both an archery season and a general season, only the general season shall be considered for the calculation of the percentage of hunt season lost. The tag holder must return their entire unfilled deer tag (including carcass portion) with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked on or prior to February 28 of the current license year. Requests postmarked after this date shall not be considered.~~

(k) Any applicant who was awarded an elk, antelope, or bighorn sheep tag in the big game drawing (becoming a tag holder) and cannot hunt for any reason may return their entire unfilled tag (including carcass portion) and submit a written request to retain their accumulated preference point total, earn one preference point for elk, antelope or bighorn sheep for that license year, and seek refund of the tag fee. The tag holder shall pay the nonrefundable processing fee specified in Section 702 with the request. If the request is granted, the tag holder shall retain the preference point total the tag holder accumulated prior to the big game drawing and earn one preference point for elk, antelope, or bighorn sheep. The department may refund the tag fee. To be eligible for preference point reinstatement and/or tag refund, tag holders must meet one of the criteria below:

(1) Before a season starts. The tag holder must return ~~the~~ their entire unfilled tag (including carcass portion) with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked prior to the opening date of the season for which the tag is valid.

(2) After a season starts.

~~(A) For the 2021 hunting license year, a tag holder whose hunt area was inaccessible for sixty-six percent (66%) or more of the hunt season (pursuant to sections 362, 363 and 364 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement and/or tag refund. The tag~~

~~holder must return their unfilled tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked prior to May 1, 2022. Requests postmarked on or after May 1, 2022 shall not be considered.~~

(B) Commencing with the 2022 hunting license year beginning July 1, 2022, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of the hunt season (pursuant to sections 362, 363, and 364 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement and/or tag refund. The tag holder must return their entire unfilled tag (including carcass portion) with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked on or prior to February 28 of the current license year. Requests postmarked after this date shall not be considered.

(I): Apprentice hunters must return all premium first-choice tags to be eligible for preference points reinstatement. All returned tags must meet eligibility requirements for point reinstatement. Tagholders must submit written request along with entire unfilled tags (including carcass portion) for preference point reinstatement.

NOTE: Authority cited: Sections 200, 203, 219, 265, 270, 275, 331, 332, 1050, 1572, 4302 and 10502, Fish and Game Code.

Reference: Sections 110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4902, 10500 and 10502, Fish and Game Code.

§ 708.14. Big Game License Tag Drawing System.

(a) General Conditions

(1) Except as otherwise provided, the department shall award license tags for premium deer, bighorn sheep, elk and pronghorn antelope hunts, as described in sections 360(b) and (c), 361, 362, 364 and 363, using a Modified-Preference Point drawing system.

(2) Except as otherwise provided, the Modified-Preference Point drawing system shall award proportions of hunt tag quotas, as specified for each species, using the following drawing methods:

(A) Preference Point Drawings. Tags are awarded based on the following order of priority: an applicant's hunt choice (first choice only for deer), accumulated point totals by species (highest to lowest), and computer-generated random number (lowest to highest).

(B) Draw-By-Choice Drawings. Tags are awarded according to an applicant's hunt choice and computer-generated random number (lowest to highest), without consideration of accumulated points.

(3) Except as otherwise provided, applicants unsuccessful in receiving a tag for premium deer (based on first choice selection), bighorn sheep, elk or pronghorn antelope hunts shall earn one (1) preference point for use in future Big Game Drawings.

(4) To earn and accumulate a point for any species, a person shall comply with all application requirements for that species as specified in sections 708.1, 708.9, 708.10 and 708.11 including the following conditions:

(A) Applicants for premium deer license tags, pronghorn antelope license tags, or elk license tags shall be at least 12 years of age on or before July 1 of the license year for which they are applying.

(B) Applicants for Nelson ~~big horn~~ bighorn sheep license tags shall be at least 16 years of age on or before July 1 of the license year for which they are applying.

(C) Applicants shall possess a valid annual California hunting license valid for the hunting season requested.

(D) Applications for bighorn sheep, pronghorn antelope and elk hunts shall include the appropriate nonrefundable processing fees as specified in Section 702.

(E) ~~Any applicant~~ Applicants shall apply for a premium deer license tag, bighorn sheep license tag, pronghorn antelope license tag and elk license tag through the department's Automated License Data System terminals at any department license agent or department license sales office by June 2 each year.

(F) Each applicant who submits a premium license tag, as noted in (E) above, through the department's Automated License Data System terminals at department license agents and department license sales offices shall receive a "big game drawing receipt" printed from the terminal. The receipt shall contain the customer's name and permanent identification number, proof of entry into the big game drawing for the license year, hunt choices for each species, accumulated preference points for each species, and Party Identification Number.

(G) Except for apprentice deer hunt applicants, applicants shall not submit more than one drawing application for each species during the same license year.

(b) Party Applications, Residency

(1) No more than six persons shall apply together as a party for premium deer license tags. Applicants for premium deer license tags may be residents or nonresidents.

(2) No more than two residents shall apply together as a party for elk license tags. Nonresidents shall not apply as a party for elk license tags.

(3) No more than two residents shall apply together as a party for pronghorn antelope license tags. Nonresidents shall not apply as a party for pronghorn antelope license tags.

(4) Applicants shall not apply as a party for bighorn sheep license tags.

(5) Each year upon application, each applicant shall specify if the applicant is applying as an individual, a party leader or joining an existing party.

(6) Applicants applying as an individual or as a party leader shall be assigned a Party Identification Number from the department's Automated License Data System terminal at the time of application each year. Applicants shall be assigned a Party Identification Number for each species.

(7) To apply as a party, the party leader shall apply first and provide ~~his/her~~ their assigned Party Identification Number to the other party members.

(8) Applicants joining an existing party shall provide the Party Identification Number of the party leader when ~~he/she applies~~ they apply to join the party.

(9) Applicants joining a party shall be assigned the same tag choices in the same order of preference as the party leader.

(10) All party members shall be awarded tags according to the choices selected by the party leader.

(c) No applicant shall earn more than one (1) preference point per species, per drawing, for use in future drawings. Preference points are accumulated by species and shall not be transferred to another species or another person. Preference points are not zone or hunt specific.

(d) Except as otherwise provided, successful applicants receiving tags for their first choice premium deer, bighorn sheep, elk or pronghorn antelope hunts shall lose all preference points for that species.

(e) For party applications, the department shall use the average preference point value of all party members (total preference points for the party divided by number of party members) as the basis for consideration in the drawing for that species. Point averages shall not be rounded.

(f) Except as otherwise provided, persons who do not wish to apply for an antelope, elk, bighorn sheep or premium deer tags, may earn one (1) preference point for any or all of these

species, by submitting the appropriate application(s), as specified in sections 708.1, 708.9, 708.10 and 708.11, and selecting the point code number for that species, as defined by the department, as the hunt choice (first choice only for deer) through the department's Automated License Data System terminals at any department license agent or department license sales office. Persons applying for a preference point in this manner shall be subject to the same application requirements as regular drawing applicants as specified in subsection 708.14.

(g) The department shall maintain records of preference points earned by individual applicants based on the identification number assigned to each customer by the department's Automated License Data System. The customer's identification number, Get Outdoors ID (GO ID), will be printed on each drawing receipt issued by the Automated License Data System. Applicants shall notify the department's License and Revenue Branch in Sacramento, in writing, of any changes or corrections regarding name, mailing address, or date of birth.

(h) Persons not applying for premium deer, bighorn sheep, elk, or pronghorn antelope hunts through the department's Big Game Drawings for five (5) consecutive years shall have their preference points for that species reduced to zero (0). For the purposes of this subsection, persons whose applications are disqualified from drawing shall be considered the same as persons not applying. Applying for preference points as described in (f) above, will keep an applicant's file active.

(i) Any person may appeal incomplete, late and ineligible applications or applications submitted without the appropriate processing fee that were not included in the department's big game drawing and the hunter did not earn a preference point. The appeal shall be in writing and describe the basis for the appeal. The appeal shall be received by the department's License and Revenue Branch in Sacramento, or if mailed, postmarked on or before May 31 of the following year. The department, upon consideration of the appeal, may grant the appeal and award one preference point to the appellant. If the department grants the appeal for a preference point, the appellant shall pay all the applicable fees. The department shall not award a preference point unless the appellant pays all the applicable fees.

(j) Any applicant who was drawn for the applicant's first deer tag choice in the big game drawing (becoming a tag holder) and cannot hunt for any reason may return their entire unfilled tag (including carcass portion) and submit a written request to retain their accumulated preference point total and earn one preference point for deer for that license year. If the request is granted, the tag holder shall retain the preference point total the tag holder accumulated prior to the big game drawing and earn one preference point for deer for that license year. The department shall not refund the fees paid for a resident deer tag. To be eligible for preference point reinstatement, tag holders must meet one of the criteria below:

(1) Before a season starts. The tag holder must return the entire unfilled tag (including carcass portion) with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked prior to the earliest date the tag is valid for hunting. For tags that are valid for both an archery season, and a general season pursuant to sections 360 and 361 of these regulations, the written request must be postmarked prior to the opening date of the earliest season. The department may refund the difference between the fee paid for a nonresident deer tag and a resident deer tag for any nonresident. Party members may return their deer tags only if their points are less than or equal to the

party's point average. For party members who have more points than the party's point average to have their points reinstated, all members of the party must return their tags for point reinstatement.

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~~(A) For the 2021 hunting license year, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of a hunt season (pursuant to sections 360 and 361 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement. For tags that are valid for both an archery season and a general season, only the general season shall be considered for the calculation of the percentage of hunt season lost. The tag holder must return their unfilled deer tag with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked prior to May 1, 2022. Requests postmarked on or after May 1, 2022 shall not be considered.~~

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(k) Any applicant who was awarded an elk, antelope, or bighorn sheep tag in the big game drawing (becoming a tag holder) and cannot hunt for any reason may return their entire unfilled tag (including carcass portion) and submit a written request to retain their accumulated preference point total, earn one preference point for elk, antelope or bighorn sheep for that license year, and seek refund of the tag fee. The tag holder shall pay the nonrefundable processing fee specified in Section 702 with the request. If the request is granted, the tag holder shall retain the preference point total the tag holder accumulated prior to the big game drawing and earn one preference point for elk, antelope, or bighorn sheep. The department may refund the tag fee. To be eligible for preference point reinstatement and/or tag refund, tag holders must meet one of the criteria below:

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(2) After a season starts.

~~(A) For the 2021 hunting license year, a tag holder whose hunt area was inaccessible for sixty-six percent (66%) or more of the hunt season (pursuant to sections 362, 363 and 364 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement and/or tag refund. The tag~~

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(B) Commencing with the 2022 hunting license year beginning July 1, 2022, a tag holder whose hunt zone was inaccessible for sixty-six percent (66%) or more of the hunt season (pursuant to sections 362, 363, and 364 of these regulations) due to a public land closure caused by wildfire may return their unfilled tag with their written request for preference point reinstatement and/or tag refund. The tag holder must return their entire unfilled tag (including carcass portion) with their written request to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, postmarked on or prior to February 28 of the current license year. Requests postmarked after this date shall not be considered.

(I): Apprentice hunters must return all premium first-choice tags to be eligible for preference points reinstatement. All returned tags must meet eligibility requirements for point reinstatement. Tagholders must submit written request along with entire unfilled tags (including carcass portion) for preference point reinstatement.

NOTE: Authority cited: Sections 200, 203, 219, 265, 270, 275, 331, 332, 1050, 1572, 4302 and 10502, Fish and Game Code.

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Memorandum

Date: April 10, 2024

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 17-18, 2024, Fish and Game Commission Meeting**
Re: Preference Points Reinstatement – Pre- Adoption Memo

The Department of Fish and Wildlife (Department) has prepared this Memorandum to summarize and provide responses to public comments received by the Fish and Game Commission (Commission) on the proposed amendments to Section 708.14, Title 14, California Code of Regulations, regarding proposing changes to the process by which preference points are reinstated. The Department is not recommending any further amendments to the regulatory text because there were no public comments received regarding this proposal.

The Department recommends the Commission adopt the proposed rulemaking for preference points reinstatement.

If you have any questions on this item, please contact Scott Gardner, Wildlife Branch Chief, via phone at (916) 801-6257.

cc: Chad Dibble, Deputy Director
Wildlife and Fisheries Division
Department of Fish and Wildlife

Scott Gardner, Branch Chief
Wildlife Branch
Department of Fish and Wildlife

Robert Pelzman, Captain
Department of Fish and Wildlife
Law Enforcement Division

Mario Klip, Game Conservation and Wildlife
Connectivity Program Manager
Wildlife Branch
Department of Fish and Wildlife

Brian Leo, Deer Coordinator
Wildlife Branch
Department of Fish and Wildlife

Melissa Miller-Henson, Executive Director
Fish and Game Commission
April 10, 2024
Page 2

Regina Vu, Regulations Specialist
Wildlife Branch
Department of Fish and Wildlife

Ona Alminas, Program Manager
Regulations Unit
Department of Fish and Wildlife

Chelle Temple-King, Senior Regulatory Scientist
Regulations Unit
Department of Fish and Wildlife

David Thesell, Program Manager
Fish and Game Commission

David Haug, Analyst
Fish and Game Commission

Ari Cornman, Wildlife Advisor
Fish and Game Commission



MAMMAL HUNTING

2024 Regulations Proposals

Presentation Overview

- Regulations proposals:
 - Bighorn sheep - 362
 - Pronghorn - 363
 - Elk – 364, 555
- Regulations without changes or public comment:
 - Deer – 554
 - Preference points – 708.14





DESERT BIGHORN SHEEP

Regulations Proposal

Section 362 Bighorn Tag Quota Adjustments



Nelson Bighorn Sheep Hunt Zones	23/24 Tag Allocation	Proposed for 24/25
Zone 1 – Marble/Clipper Mountains	1	1
Zone 2 – Kelso Peak/Old Dad Mountains	1	2
Zone 3 – Clark/Kingston Mountain Ranges	4	3
Zone 4 – Orocopia Mountains	1	1
Zone 5 – San Gorgonio Wilderness	0	0
Zone 6 – Sheep Hole Mountains	0	1
Zone 7 – White Mountains	6	4
Zone 8 – South Bristol Mountains	2	1
Zone 9 – Cady Mountains	2	2
Zone 10 – Newberry, Rodman, Ord Mountains	6	6
Open Zone Fundraising Tag	1	1
Marble/Clipper/South Bristol Fundraising Tag	1	0
Cady Mountains Fundraising Tag	1	1
Total:	26	23

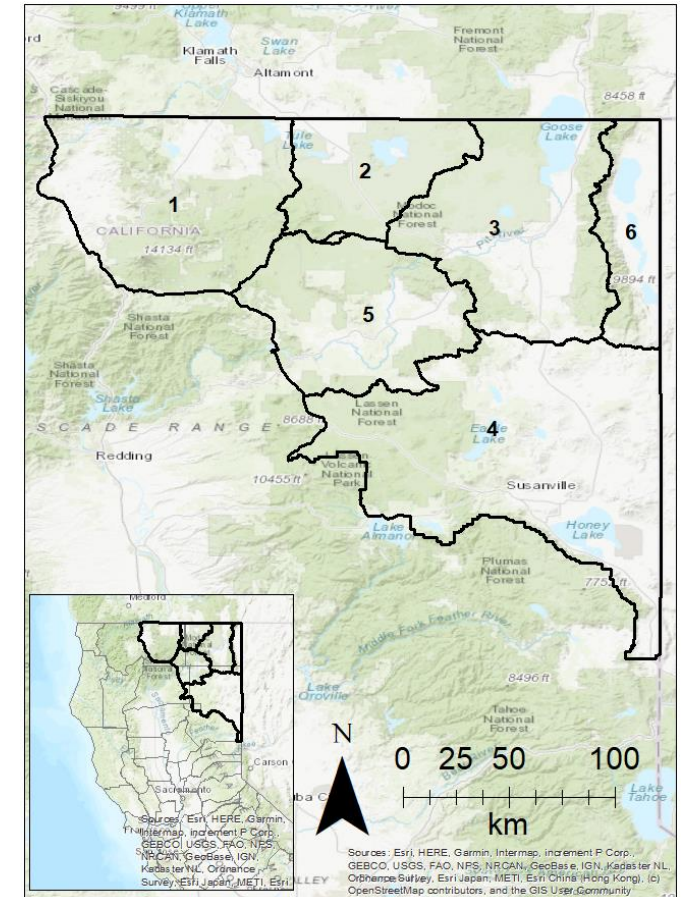


PRONGHORN

Regulations Proposals

Section 363 Pronghorn Tag Quota Adjustments

- Poor productivity and recent harsh winter conditions
- Declines in hunter harvest success and age-at-harvest in Likely Tables (Zone 3) and Big Valley (Zone 5) over last 5 years
- Recent winter surveys indicated lower populations in all zones, most pronounced in Zone 3 and 5
- Ranges needed to be adjusted, we re-noticed quota ranges on 04/05/2024 for 15 days in advance of FGC meeting
 - Period 1 Buck initial range of 15-25 amended to 0-25
 - Period 2 Buck initial range of 10-25 amended to 0-25
- Recommend reducing tags in Zones 2, 3, and 5



Section 363 Pronghorn Tag Quota Adjustments



Hunt Code	Hunt Zone	Description	2023 (approved)	2024 (proposed)	Net change
710	Zone 1 - Mount Dome	General - Buck	2	2	0
720	Zone 2 - Clear Lake	General - Buck	15	12	-3
728	Zone 2 - Clear Lake	Archery - Buck	1	1	0
730	Zone 3 - Likely Tables	General - Buck - Period 1	25	5	-20
732	Zone 3 - Likely Tables	General - Buck - Period 2	25	5	-20
738	Zone 3 - Likely Tables	Archery - Buck	15	5	-10
734	Zone 3 - Likely Tables	Apprentice - Either-sex	5	5	0
740	Zone 4 - Lassen	General - Buck - Period 1	35	35	0
742	Zone 4 - Lassen	General - Buck - Period 2	35	35	0
745	Zone 4 - Lassen	Archery - Buck	5	5	0
790	Zone 4 - Lassen	Apprentice - Either-sex	5	5	0
750	Zone 5 - Big Valley	General - Buck	20	5	-15
755	Zone 5 - Big Valley	Archery - Buck	1	1	0
780	Zone 5 - Big Valley	Apprentice - Either-sex	1	1	0
760	Zone 6 - Surprise Valley	General - Buck	10	10	0
765	Zone 6 - Surprise Valley	Archery - Buck	1	1	0
766	Zone 6 - Surprise Valley	Apprentice - Either-sex	4	4	0
		Total	205	129	-68



ELK

Regulations Proposals

Topics

- General Public Big Game Draw (Grizzly Island Wildlife Area)
- Cooperative Elk Hunting Area Landowner (LO)
- Shared Habitat Alliance for Recreational Enhancement (SHARE)



Section 364 Elk Tag Quota Adjustments

- Grizzly Island Wildlife Area (GIWA)/Tule Elk Hunt Zone

GIWA	2023 (approved)			2024 (proposed)			Potential net change		
Hunt Period	Antlerless	Spike bull	Bull	Antlerless	Spike bull	Bull	Antlerless	Spike bull	Bull
1	4	0	0	4	0	0	0	0	0
2	0	4	0	0	4	0	0	0	0
8	0	6	0	0	6	0	0	0	0
9	4	0	0	4	0	0	0	0	0
10	0	0	3	0	0	4	0	0	+1
11	4	0	0	4	0	0	0	0	0
12	0	0	3	0	0	4	0	0	+1
13	4	0	0	4	0	3	0	0	+3
FRT	0	0	1	0	0	1	0	0	0
Total	16	10	7	16	10	12	0	0	+5



Section 555 Cooperative Elk Area Landowner Tags

- Several elk hunt zones with chronic, elevated human-elk conflict where elk almost exclusively occupy private property include:
 - Northwestern
 - Mendocino
 - Tehachapi
- Original proposal included Siskiyou (Zone 3)
 - Department and Commission received letter in February from Siskiyou County Board of Supervisors, the letter recommended that Zone 3 not be designated as a conflict zone. Upon meeting with County, Department supports removing Siskiyou from proposed conflict zones.



★ Proposed “Conflict Zone”

Section 364 Elk Tag Quota Adjustments

Increased SHARE opportunities in select areas to help alleviate conflict

Roosevelt Elk Hunts					
Hunts	2023 Bull Tags (approved)	2023 Antlerless Tags (Approved)	2024 Bull Tags (Proposed)	2024 Antlerless Tags (Proposed)	Net Change
Siskiyou	2	2	20	20	+36
Northwestern	34	34	40	60	+32
Marble Mountain	1	2	1	2	0
Rocky Mountain Elk Hunts					
Northeastern*	2	0	2	0	0
Tehachapi	20	15	40	60	+65
Roosevelt Elk/Tule Elk Hunts					
Mendocino	2	4	20	30	+44



*Not shown -- 2 either-sex tags approved 2023, and proposed 2024



BLACK-TAILED AND MULE DEER

Regulations Proposals

Preference Points and Cooperative Deer Hunting Areas

- Section 708.14 – Preference points
- Section 554 – Cooperative deer hunting areas
- WRC supported Departmental recommendations given at the Sept 2023 WRC Meeting
- Discussed intent to amend – Dec 2023
 - No public comment at Feb 2024 discussion meeting



Questions | Contact



Mario Klip, Environmental Program Manager

Mario.Klip@wildlife.ca.gov

Regina Vu, Wildlife Regulations Coordinator

Regina.Vu@wildlife.ca.gov

Brian Leo, Deer Program Coordinator


Brian.Leo@wildlife.ca.gov

Big Game Program, Wildlife Branch

BigGame@wildlife.ca.gov



FGC meeting, Feb. 15, 2024: 364 (and 364.1)

Phoebe Lenhart 

Fri 02/09/2024 12:01 PM

To:FGC <FGC@fgc.ca.gov>

[REDACTED]
[REDACTED]

RE: Feb. 15, 2024: Agenda item #21, Mammal hunting 364 (and 364.1)

FGC Commisisoners
CA Fish and Game Commission
(fgc@fgc.ca.gov)

| Dear Commissioners,

This email is sent to your attention to object to the Department of Fish and Wildlife's (DFW) revised proposal for hunting tags in the Northwestern zone for the Roosevelt elk in the SHARE program. In the first draft, it appeared that the DFW's hunting quotas were somewhat based on research. However, the DFW's revised proposal to increase the SHARE hunting quotas for bulls, from 34 to 40 bulls; as well as, for antlerless elk, from 34 to 60 antlerless elk does not seem to be based on any "scientific data". Instead, it looks to me that the DFW guessed! As you may realize, this is unacceptable.

The DFW states that there is an "intolerable" level of Roosevelt elk and human conflict. I would like to remind the FGC that the DFW's definition of the SHARE properties are that they are private properties that are open to the public hunting. Please keep in mind, that the DFW makes tremendous profits from the SHARE hunts.

I object to any hunting quotas submitted by the DFW to the FGC without being supported by actual herd locations and the population of elk in each herd. I think that the DFW has a responsibility to the public by providing the actual Roosevelt elk population for the general hunt and SHARE hunt quotas. According to my research, of the herds of Roosevelt elk in Del Norte County (DNC) ; there is only one herd in DNC that has over 100 members.

In addition, the Roosevelt elk are literally in a life and death survival situation with the treponemes associated hoof disease (TAHD) which is spreading. In the hunting quotas that the DFW presents, the DFW does not present to the FGC the number of deaths (euthanasia) that the DFW is responsible for in Del Norte County. I believe that the lack of any mention of TAHD deaths is a lack of transparency by the DFW to the public. The public in Del Norte County are very concerned about the population and health of the Roosevelt elk. Your consideration will be appreciated.

Sincerely, Phoebe Lenhart [REDACTED]



Siskiyou County Fish and Game Commission

857 N Main Street, Yreka, CA 96097 530-604-3600



Mike Ford – Chair
George Steen – Secretary
Jess Harris - Alternate

Paul Chapman – Vice-Chair
Darrel Harris – Member
Steve Pigoni - Alternate

John Dawson –Treasurer
Harold Duchi - Alternate

Received at Commission
2/12/24

Melissa Miller-Henson Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

February 7, 2024

Comments Re: California Department of Fish and Wildlife Submission of documents for the December 2023 Fish and Game Commission: Regulatory Action to Amend sections 362, 363, 364, 364.1, 554, 555, and 708.14, and add 555.1 Title 14, California Code of Regulations RE: Mammal hunting, November 28, 2023

The Siskiyou County Fish and Game Commission (SCFGC) would like to make the following recommendations to the California Department of Fish and Wildlife (Department) proposals as described above. All of our recommendations apply specifically to the Siskiyou Elk Management Unit (EMU).

Regarding the proposal to “Add Subsection 555.1, Describe and classify four “conflict zones”

555.1 – “Within Conflict Areas” the Department has identified opportunities to modify the rules and regulations within the current 555 program under 555.1 to help reduce elk 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.” We do NOT support the Department’s classification of the Siskiyou EMU as a “conflict zone” (or any of the subsections) and would object to it being designated as a conflict zone. We propose that the Siskiyou EMU continued to be managed under the current 555 program rules and regulations.

Regarding the proposal to Alter Public Hunting (364), Sections 364 and 364.1

Amendment to Siskiyou SHARE Roosevelt Elk Section 364.1 (i)(1) – The SCFGC is supportive of the SHARE program and would like to see it grow beyond the 2 existing private landowners currently enrolled in the SHARE program within the Siskiyou Elk Management Unit.

Section 364.1 (a) – The SCFGC is supportive of giving SHARE participants/the Department options to set the specific seasons on SHARE hunts within the August 15 through January 31 timelines in order to meet the Department’s management objectives. We question if the proposed regulation should read (a) Season: the overall season *shall* open on August 15 and

continue through January 31. Should that read the overall season *may* open to give the Department the opportunity to move the seasons earlier or later to meet the objectives of the area?

The SCFGC has concerns that some SHARE properties enrolled in the program could be of smaller acres. The current minimum acres necessary to participate in the 555 program is 640 acres. We support setting a minimum acreage of 640 acres to participate in the SHARE program unless there are special circumstances. Rather than reducing the size of individual SHARE (or 555 program) acreages required to participate in the program we recommend the ability to combine adjacent properties to increase the size of the property enrolled in the program. Establishing a minimum acreage necessary to enroll in the SHARE or 555 program would help to reduce safety concerns, hunter ethic issues, game retrieval issues, and regulation enforcement difficulties.

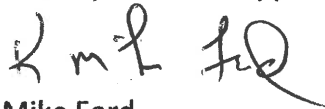
Available Data

On May 10, 2022 the Siskiyou County Fish and Game Commission hosted a meeting at which the California Department of Fish and Wildlife presented information on the current available data on elk within the Siskiyou EMU.

A number of management recommendations and changes to hunting tags to be issued were presented at that meeting, however, the Department stated the proposals were beyond the Department's ability to implement given the available data and the limited management actions that had been assessed in the 2010 Final Environmental Document, Elk Hunting.

The current Department proposals calls for up to a 100% increase to the number of bull tags issued and a roughly 400% increase in cow tags issued within the Siskiyou unit. We would like to meet with the Department to review the data that allows for an increase in tag numbers to this level. If additional elk tags can be issued, the SCFGC recommends that a new Environmental Document be prepared and that available tags be distributed more evenly to the General Public Hunts (364), the SHARE program, and the Cooperative Hunting Area program (555).

Thank you for the opportunity to provide comments.



Mike Ford

Siskiyou County Fish and Game Commission Chair

Public Comments - Elk Hunting

Marie Kyle [REDACTED]

Mon 04/01/2024 03:05 PM

To:FGC <FGC@fgc.ca.gov>

Please see the comments in response to the California Fish & Game Commission's Notice of Proposed Changes in Regulations published on January 23, 2024.

Marie

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Marie Kyle

[REDACTED]

[REDACTED]

April 1, 2024

Submitted via email to FGC@fgc.ca.gov

Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Dear Sir or Madam:

I am submitting these comments on behalf of Barbara Page, who owns Elk Meadow Cabins near Orick, California. Given the nature of her business, which relies heavily on elk tourism, Mrs. Page has a direct interest in the health and stability of the elk population in Humboldt County.

ISSUE: The Commission should reject the adoption of 14 CCR § 555.1 and decline to increase the number of Roosevelt elk SHARE tags under 14 CCR § 364.1.

ARGUMENT: For the reasons outline below, we oppose the addition of Section 555.1 and the changes proposed to Section 364.1, both of which would allow increased hunting of Roosevelt elk at a time when the stability of the population is already threatened.

As you know, Roosevelt elk—the largest species of elk in the world by body mass, and the largest free-ranging megafauna remaining in California—were once hunted nearly to extinction.¹ Although their numbers have increased in recent years, they are nowhere near historic levels.² In fact, the Department of Fish & Wildlife lacks a clear picture of how many elk are present in the region. The agency did not begin conducting systematic elk surveys in the North Coast Elk Management Unit until to 2016, and monitoring elk populations is notoriously difficult in Northern California.³ While recent efforts to track Roosevelt elk in Humboldt and Del Norte counties are commendable, the scale of the capture and collar program remains small. Given these challenges in population monitoring—and the threats mentioned below—it is prudent to adopt a conservative approach to the management of elk in this area.

Roosevelt elk currently face a variety of threats, ranging from habitat loss to predation to disease. As you are aware, the population is presently suffering from an outbreak of treponeme-associated hoof disease (TAHD). Few studies have been completed on TAHD, which can eliminate large numbers of the herd very suddenly and yet remains poorly understood even amongst wildlife experts. Until more is known about this dangerous disease and how it may affect elk populations, the Commission should refrain from allowing increased hunting of Roosevelt elk. Conversely, a larger population buffer will ensure elk survival during a potential

¹ See National Park Service *Elk in the Redwoods* Fact Sheet, available at <https://www.nps.gov/redw/planyourvisit/upload/Elk-site-bulletin-508.pdf> (last visited April 1, 2024) (noting that the population in California dropped to as few as 15 in 1925).

² See 2018 California Department of Fish & Wildlife Elk Management Plan at 15 (explaining that 500,000 is a “reasonable estimate” of the tule elk population prior to European settlement).

³ See Management Plan at 88 (noting that “aerial surveys were not effective for surveying elk in the densely canopied forests along the north coast”).

widespread outbreak. Habitat loss—fueled by factors such as increased development, wildfires, and climate change—only exacerbates the impact on the elk population.

As noted above, we oppose the addition of Section 555.1 to Title 14. This new provision represents a drastic change in current policy and may threaten the stability of the elk population in Northern California. Section 555.1, which essentially carves out an exception to the standard requirements for Cooperative Elk Hunting “Landowner” tags, would make elk hunting much easier in what the agency describes as the four “conflict zones.” These include the Siskiyou, Mendocino, Tehachapi, and Northwestern hunt zones (the latter, of course, encompasses Humboldt County, where Mrs. Page operates her lodge). It would do this by: (1) reducing qualifying landowner criteria in these areas; (2) increasing antlerless tag distribution relative to public tags; and (3) extending the hunt season each year. We believe these changes could have a significant and negative impact on the Roosevelt elk population in these areas.

We also oppose the Commission’s proposed increase in hunting tags administered under the SHARE program under Title 14 Section 364.1. Significant increases in Roosevelt elk tags are proposed in the Siskiyou, Northwestern, and Mendocino hunt zones. In the area surrounding Mrs. Page’s lodge, the proposed regulations would increase Roosevelt elk SHARE tags from a total of 68 to a total of 100; in the other two hunt zones, these numbers could increase by a factor of ten or more. For the reasons discussed above, we believe it is a mistake to allow increased hunting of Roosevelt elk at this time.

Instead of increased hunting, we urge the Commission to focus its efforts on alternatives that will allow the Department to balance the competing interests among stakeholders. For example, translocating elk may be used not only to alleviate conflict but also contribute to genetic diversity and herd viability. The Department has already demonstrated that this is a safe and effective method for helping to reestablish herds in other locations. We also encourage the use of elk exclusion fences to limit or prevent elk from accessing private property where damage may occur. Although there may be a high cost associated with installing and maintaining physical barriers, the Department itself has recognized that—if done properly—this can be an effective, long-term solution for providing relief from elk damage.⁴ These are just a few alternatives we urge the Commission to consider in managing human-elk conflict while balancing the agency’s competing objectives for managing this indispensable wildlife resource.

RECOMMENDATION: For the reasons outlined above, we urge the Commission to reject the adoption of Section 555.1 and decline to increase the number of Roosevelt elk SHARE tags under Section 364.1.

We appreciate your consideration of these very important issues.

Sincerely,

Marie Kyle
Marie Kyle

⁴ *Id.* at 77.

Comments-Amend Mammal hunting regulations in Title 14, California Code of Regulations

THPO Consulting [REDACTED]

Wed 04/03/2024 04:29 PM

To:FGC <FGC@fgc.ca.gov>

Good afternoon Ms. Melissa Miller-Henson,

If you have any questions about the attached letter please feel free to contact me.

Thank you,

Timothy Wilcox
Tribal Archaeologist

[REDACTED]
[REDACTED]
[REDACTED]



02-039-2023-001

April 03, 2024

[VIA EMAIL TO:fgc@fgc.ca.gov]
California Fish and Game Commission
Ms. Melissa Miller-Henson
P.O. Box 944209
Sacramento, CA 94244-2090

Re: Amend Mammal hunting regulations in Title 14, California Code of Regulations

Dear Ms. Melissa Miller-Henson,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Amend Mammal hunting regulations in Title 14, California Code of Regulations project. No physical location

*Both Bighorn sheep and Pronghorn were important to the Cahuilla because they were an integral part of economic, social, and religious dealings. Therefore, sustainable hunting is fully supported the ACBCI Tribal Historic Preservation Office. These culturally important animals need to persist into the future.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at [REDACTED] You may also email me at [REDACTED]

Cordially,

Timothy Wilcox
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS