

| Comment Number | Name, Organization, Type & Date | Comment Summary | Response(s) |
|----------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 3 | J.R. Young, 2/15/24 | In support of all proposed changes | The Department acknowledges support for the proposal. |
| 4 | Agua Caliente Band of Cahuilla Indians | Both bighorn 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. | The Department acknowledges support for the proposal. |
| 5 | Chris Bowles (California Bowmen Hunters/State Archery Association, President, RMEF, 4/18/2024 | Recognize that science supports the reduction of sheep and antelope tags | The Department acknowledges support for the proposal. |
| 6 | David Rowan 4/18/2024 | Commended the proposal to reduce tags in the White Mountain Zone, as he believes the population there is declining. Urged caution in future tag allocations due to species vulnerability. | The Department acknowledges support for the proposal. |

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

The no change alternative was considered and rejected because it would not be consistent with maintaining bighorn sheep populations within desired population objectives. Fish and Game Code subdivision 4902(b) 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.

(c) Consideration of Alternatives

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

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

None identified.

V. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The Commission estimates there will not be 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 fewer 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 and the sustainable management of natural resources.

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

The total number of tags is slightly fewer than the previous year, however no significant 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.

- **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).

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 Fish and Game Code subdivision 4902(b)(2).

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.

UPDATE

On April 18, 2024, the Commission adopted the proposed rulemaking as set forth in the Pre-Adoption Memorandum dated April 10, 2024. The rulemaking for Nelson bighorn sheep was adopted as follows, consistent with the Department’s recommendations based on completed population surveys and analysis in the Spring of 2024:

362(d) Number of License Tags

| <i>Nelson Bighorn Sheep Hunt Zones</i> | <i>2024-2025 Tag Allocation</i> |
|-------------------------------------------------------------------|--------------------------------------------|
| Zone 1 – Marble/Clipper Mountains | 1 |
| Zone 2 – Kelso Peak/Old Dad Mountains | 2 |
| Zone 3 – Clark/Kingston Mountain Ranges | 3 |
| Zone 4 – Orocopia Mountains | 1 |
| Zone 5 – San Gorgonio Wilderness | 0 |
| Zone 6 – Sheep Hole Mountains | 1 |
| Zone 7 – White Mountains | 4 |
| Zone 8 – South Bristol Mountains | 1 |
| Zone 9 – Cady Mountains | 2 |
| Zone 10 – Newberry, Rodman, Ord Mountains | 6 |
| Open Zone Fundraising Tag | 1 |
| Marble/Clipper/South Bristol Mountains Fundraising Tag | 0 |
| Cady Mountains Fundraising Tag | 1 |
| Total: | 23 |