

State of California
Fish and Game Commission
Final 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. Dates of Statements of Reasons

- (a) Initial Statement of Reasons Date: October 1, 2023
- (b) Pre-adoption Statement of Reasons Date: March 20, 2024
- (c) Final Statement of Reasons Date: April 29, 2024

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. Update

At its April 18, 2024 meeting, the Fish and Game Commission (Commission) adopted the proposed changes that focus on elk tag quotas under Section 555 and 555.1, as provided in the Final Regulatory Text, attached. Previously on April 5, 2024, the Commission posted notice of amended regulatory language to add option 2 to 555.1(a) that removes the Siskiyou hunt zone from the definition of conflict zone, which was the preferred option adopted.

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

Comments from 12/13/24 to present.

Comment Number	Name, Organization, Type, and Date	Comment Summary	Response
1	Chris Bowles (California Bowmen Hunters/State Archery Association, President, 12/13/2023)	Supports big game hunting in California. Looking forward to working with the department on using archery as a tool for conflict management.	The Department acknowledges support for the proposal.
2	Bill Gaines (WSF, CDA, RMEF), 12/13/23	In support of all proposed changes. Also, in support of archery as a tool to manage elk.	The Department acknowledges support for the proposal.
3	Bill Gaines (WSF, CDA, RMEF), 2/15/24	In support of all proposed changes	The Department acknowledges support for the proposal.
4	J.R. Young, 2/15/24	In support of all proposed changes	The Department acknowledges support for the proposal.
5	Marilyn Jasper, 2/15/24	Asks the Commission to be aware of a recent United Nations report called "State of the World's Migratory Species."	Comment noted.
6	Chris Bowles (California Bowmen Hunters/State Archery Association, President, RMEF), 4/18/2024	Has concern regarding elk tags. Disappointed that no agreement has been reached regarding increased elk archery specific tags, or extended season archery hunting. Looking forward to working with CDFW staff on that next year.	Comment noted.
7	Jake Pickett, 4/18/24	Had a question on SHARE and elk tags. Asked if private landowners are required to provide hunting access if they receive forage damage assistance in California.	Scott Gardner, in attendance at the meeting, responded that that is not required in California.

8	<p>Siskiyou County Fish and Game Commission</p> <p>(Letter, received February 12, 2024)</p>	<p>Siskiyou County Fish and Game Commission 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.</p>	<p>Thank you very much for bringing your concerns to our attention. Regarding the designation of "Conflict Zones," our assessment was based on several key factors, including chronic human-elk conflict, elk occupying mainly private property, and limited public hunting access. The Department had determined that Siskiyou met these criteria, hence its inclusion as a proposed conflict zone. However, upon meeting with the SCFGC, the Department supports removing Siskiyou from the proposed conflict zones.</p>
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9	<p>Siskiyou County Fish and Game Commission</p> <p>(Letter received February 12, 2024)</p>	<p>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</p>	<p>Thank you for your inquiry into elk tags and programs. We acknowledge your request for a meeting to review the elk population data supporting the proposed increase in hunting tags. We are currently working on updating our population monitoring methods for Elk and will reach out to SCFGC when we have updates. We value collaboration and transparency, and we are open to discussing this matter further with you. We invite you to join in on a Wildlife Resources Committee meeting, where these topics can be brought before the Fish and Game Commission. Regarding your suggestion to distribute tags more evenly among General Public Hunts, the SHARE program, and the Cooperative Hunting Area program, we understand the importance of a reasonable distribution among programs. As part of our ongoing efforts to enhance hunting opportunities, we are actively considering ways to expand the SHARE program and provide broader access to hunting opportunities. We also note that the proposed increases in elk tags are to Section 364.</p>
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10	<p>Marie Kyle (4/1/24, email comment)</p>	<p>Commenter opposes 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.</p> <ol style="list-style-type: none"> 1. The addition of Section 555.1 represents a drastic change in current policy and may threaten the stability of the elk population in Northern California. Section 555.1 would make elk hunting much easier in what the agency describes as the four “conflict zones.” The commenter notes that the Elk Meadow Cabins are located in Humboldt County, which is located in the Northwestern hunt zone, proposed for inclusion in these “conflict zones.” 	<p>Thank you for your comment on the proposed regulatory change to the Cooperative Elk Hunting Area program, Section 555. Elk population surveys in Northern California show that Elk populations are stable, and in fact increasing. The Department does not expect the proposed changes in Section 555.1 to threaten the stability of elk populations. Rather, the proposed changes aim to reduce human-elk conflict. Regulated harvest is effective for managing elk herds, but access limitations hinder its efficacy. The proposed changes will give the Department flexibility to better manage herds that are at high densities on private lands while also providing additional hunting opportunities.</p>
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11	Marie Kyle (4/1/24 email comment)	The commenter urges the Commission to focus its efforts on alternatives that will allow the Department to balance the competing interests among stakeholders, and suggests elk translocation and the use of elk exclusion fences as long-term solutions for relief from property damage caused by elk.	Thank you for your inquiry. We appreciate your concern regarding the management of elk populations and the mitigation of human-elk conflicts. Because elk are a herd species, translocation may not resolve the underlying conflict. Translocation carries serious risks, including potential spread of pathogens and animal welfare concerns. While fencing is encouraged as a means of managing elk populations, it can be cost-prohibitive for landowners and may not fully address human-elk conflict. Approaches to mitigating conflict must be multipronged.
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V. 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.

(c) Consideration of Alternatives

No reasonable alternative considered by the Fish and Game Commission or that has otherwise been identified and brought to the attention of the Fish and Game Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed

regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

VI. Impact of Regulatory Action

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

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

The proposed 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. Californians are expected to benefit generally from sustainable management of natural resources.

- (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.

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

- 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)
- Amend section 555(a) to add: 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 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.
- 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

- 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

Non-substantive editing and renumbering to improve the clarity and consistency of the regulatory language have been made in sections 554(a) and 554(b).

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: 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.”

At its April 18, 2024 meeting, the Commission adopted the option that omits the Siskiyou Hunt Zone from the list of elk “conflict zones” in response to concerns raised by the Siskiyou County Fish and Game Commission regarding the framework for elk management in the region. The regulations were otherwise adopted as detailed in the Initial Statement of Reasons.

A new form (DFW 1449 (Rev. 10/23)), incorporated by reference in the regulations, was adopted and is required by these regulations. The form is titled “2024 Application for Cooperative Elk Hunting Area Tag” and includes:

- Elk tag fees, priced in accordance with Fish and Game Code Section 713.
- Due date for applications and a statement reading “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 for submitting the application form.
- List of required supportive documentation (proof of ownership; and proof of property size). These supportive document requirements are authorized by Fish and Game Code Section 1054 as proof related to the issuance of any license, tag, permit, or other privilege or entitlement.
- Boxes for the applicant to provide information, including name, relationship to the landowner, mailing address, phone number, driver’s license/state ID number, and GO ID number. This information is necessary for the Department to identify the applicant, contact the applicant, accurately issue tags and/or any other documents to the applicant, and cross check the applicant’s provided information with state databases for accuracy.
- A box for indicating the elk hunting zone in which the qualifying lands are located, for record keeping and elk management purposes.
- Boxes for the applicants to indicate their 1st, 2nd, and 3rd choice tags
- A statement acknowledging the terms of the program and the issuance of the elk tag, swearing that the information provided is complete and correct, and acknowledging and agreeing to follow the regulations set forth in Section 555, Title 14, California Code of Regulations.
- A box for printed name, landowner signature, and signature date, for the landowner to affirm the statement above.
- A box for printed name, applicant signature, and signature date, for the applicant to affirm the statement above.
- A box for the Department of Fish and Wildlife’s Regional Manager’s signature, region, and signature date, affirming a statement reading “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.”

- **Boxes for Department staff to indicate the elk tag inventory number, the staff member issuing the tag, the date of issuance, the name of the designated tag holder, and the tag holder's GO ID number.**
- **The adopted, final regulatory language for Sections 555 and 555.1.**