

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

Amend Section 362
Title 14, California Code of Regulations
Re: Nelson Bighorn Sheep Hunting

- I. Date of Initial Statement of Reasons:
- II. Dates and Locations of Scheduled Hearings

- (a) Notice Hearing:

- Date: December 12, 2024

- Location: Sacramento

- (b) Discussion Hearing:

- Date: February 12, 2025

- Location: Sacramento

- (c) Adoption Hearing:

- Date: April 16, 2025

- Location: Sacramento

- 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 California Fish and Game Commission (Commission) periodically considers the recommendations of the California Department of Fish and Wildlife (Department) in amending 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 (*Ovis canadensis nelsoni*). 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 redefining a hunt zone boundary under subsection 362(a), amending language to fundraising tags and adjusting season dates under subsection 362(b), adjusting bighorn hunting tag quotas under subsection 362(d), and a non-substantive change to removing a nonfunctioning phone number under subsection 362(e). The last time these regulations were subject to major amendment was for the 2023-2024 hunting season. The proposed amendments represent the cumulation of the Department's internal discussions as well as stakeholder engagement. These proposed amendments were presented at the Sheep Summit in April 2024, at the Big Game Management Account (BGMA) Advisory meeting in

August 2024, as well as at a stakeholder meeting at which board members from the California Chapter of the Wild Sheep Foundation and bighorn sheep outfitters in California provided input and feedback on proposed changes. The proposed changes are necessary to maximize hunter opportunity while also maintaining sustainable hunt opportunities, consistency with management unit plan recommendations, and Fish and Game Code (F&G Code). F&G Code subdivision 4902(b)(2) 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. The following 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.

Per F&G Code subdivision 4902(d) the number of tags authorized for the purpose of raising funds shall not exceed 15 percent of the total number of tags authorized and the commission shall direct not more than three of the tags available for issuance for the purpose of raising funds. All revenue from the sale of fundraising tags shall be deposited in the Big Game Management Account. Since the first Nelson bighorn sheep fundraising tag was sold in 1987, the Department has raised over \$5.5 million for the management of big game species and habitats. Over the last ten years, Nelson bighorn sheep fundraising tags have raised an average of \$222,795 per year for big game management. The current regulations allow for one open zone fundraising tag, one fundraising tag in the Cady Mountains (Zone 9), and one fundraising tag in the Marble/Clipper/South Bristol Mountains (Zones 1 and 8). However, in recent years, the population level in Zone 1 has declined such that the 2023/2024 season could only biologically support one tag through the general lottery. The fundraising tag for that zone was not issued and substantial revenue was lost. The proposed regulation changes are intended to allow the Department to name which zone for the Single Zone fundraising tags on an annual basis, if needed. This flexibility will allow the Department to continue to manage hunting opportunities compatible with population objectives, while also maximizing fundraising opportunities and revenue.

Existing Authorities

Current statutory authorities focus mostly on the take and possession of animals and include:

F&G Code Section 200 provides the Commission with the power to regulate the take or possession of birds, mammals, fish, amphibians, and reptiles.

F&G Code Section 203 specifies that the Commission has authority to promulgate regulations concerning open and closed seasons, bag and possession limits, hunt zones, methods of take, and restrictions based on physical distinctions.

F&G Code Section 203.1 requires the Commission to consider populations, habitat, food supplies, animal welfare, and other pertinent facts.

F&G Code Section 325 provides conditions by which the Commission may adopt special hunting seasons, provide for increased bag limits, or remove sex restrictions.

F&G Code Section 1050 describes the process and procedure for assigning fees to hunting entitlements.

F&G Code Section 3950 provides a definition for game mammals: deer, elk, prong-horned antelope, black and brown or cinnamon bears, mountain lions, jackrabbits, and varying hares, brush rabbits and pygmy rabbits, and tree squirrels. Nelson bighorn sheep are game mammals only for the purposes of sport hunting as described in F&G Code section 4902.

F&G Code Section 4700 defines fully protected mammals as Morro Bay kangaroo rat, Bighorn sheep, except Nelson bighorn sheep as provided by F&G Code section 4902., Northern elephant seal, Guadalupe fur seal, ring-tailed cat, Pacific right whale, salt-marsh harvest mouse, Southern sea otter, and wolverine.

F&G Code sections 4900-4904 provide guidelines for Nelson bighorn sheep management, including the development and maintenance of management unit plans, hunting fees, tag allocations, and hunter orientation.

Current Regulations

Current Title 14, CCR regulations governing bighorn sheep hunting are as follows:

Section 264 provides conditions for the use of lights while hunting.

Section 265 prohibits the use of dogs for the take of bighorn sheep.

Section 350 defines big game species.

Section 352 provides hunting and shooting hours on big game.

Section 353 provides methods that are authorized for taking big game.

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 have been developed to increase hunter opportunity while allowing the Department to manage for sound biological levels by updating zone

boundaries, allowing hunt zone flexibility for fundraising tags, and adding additional hunt periods. The proposed regulations comply with the 2019 Environmental Document Regarding Bighorn Sheep Hunting and the [Draft Conservation and Management Plan for Bighorn Sheep in California \(September 2024\)](#).

Section 362 Nelson Bighorn Sheep

Amend section 362(a) to redefine the north and western boundaries for Zone 6 (Sheep Hole Mountains) (Figure 1). These proposed adjusted zone boundaries more accurately reflect the home range of bighorn sheep in this unit, based on recent GPS collar data. It is anticipated that the new boundary will increase hunter opportunity.

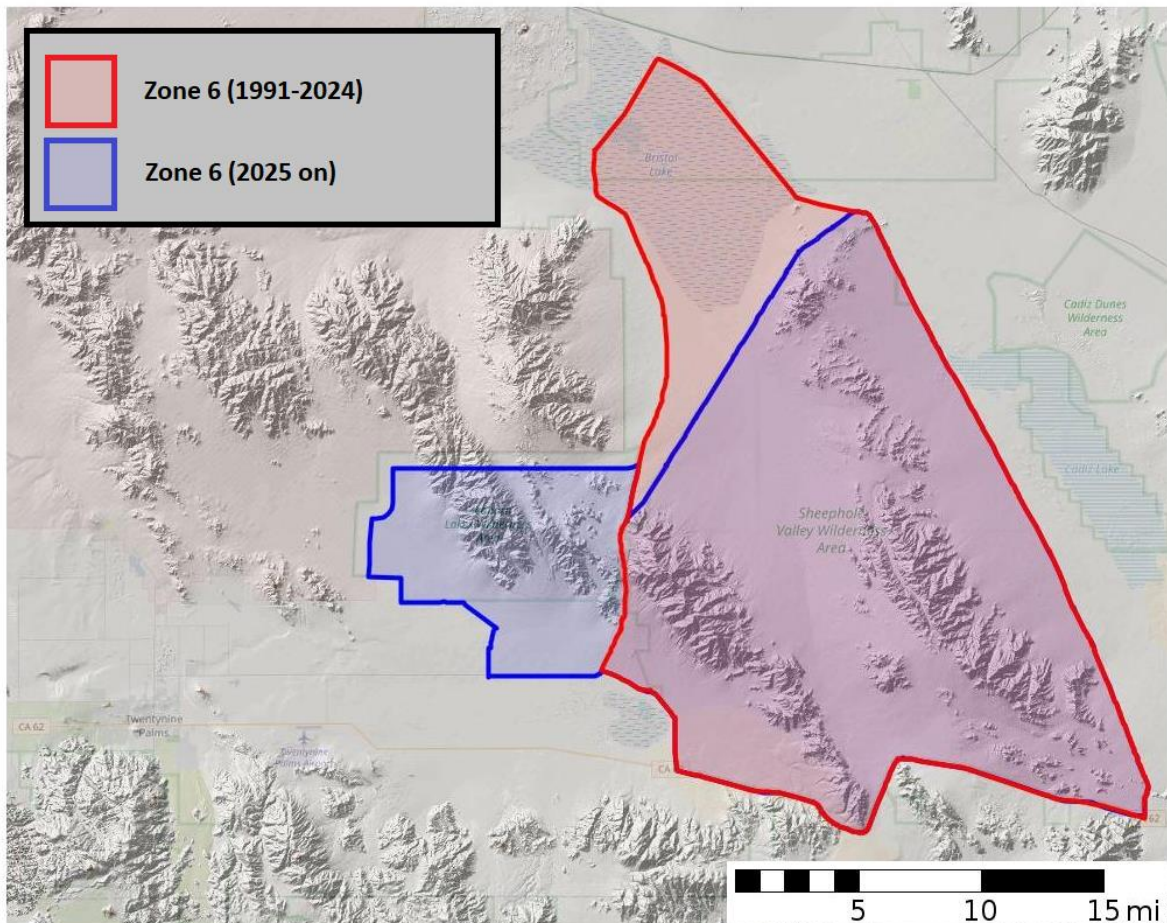


Figure 1. Map of current and proposed Zone 6 boundaries.

Amend subsection 362(b)(1) to specify that the Open Zone Fundraising Tag can only be used to hunt in zones that are allocated at least one general public tag. This will ensure that if a Zone is not issued general tags due to biological or environmental concerns, the Open Zone Fundraising Tag may not be used to harvest in a zone with zero tags allocated.

Amend subsections 362(b)(1), 362(b)(2), and 362(b)(3) to correct citations of Fish and Game Code from “subsection” to “subdivision.”

Amend subsection 362(b)(1)(A) to include Zone 10 in the Open Fundraising Tag. Zone 10 was created in 2019 but was never incorporated into the Open Zone Fundraising Tag language.

Amend subsection 362(b)(2)(A) and add subsections 362(b)(2)(B) and (C) to rename the Marble/Clipper/South Bristol Mountains Fundraising Tag to Single Zone Fundraising Tag 1 and following season information.

Amend subsection 362(b)(3)(A) and add subsections 362(b)(3)(B) and (C) to rename the Cady Mountains Fundraising Tag to Single Zone Fundraising Tag 2 and following season information.

During the regulatory change process for the 2022-2023 license year, the Department proposed a quota of zero for the Marble/Clipper/South Bristol Mountains Fundraising Tag. The Wild Sheep Foundation expressed concern at this loss of Department revenue and hunter opportunity. Increasing flexibility in the Fundraising Tags by renaming them to decouple them from specific hunt zones is intended to mitigate that issue in the future. Decoupling from a specific zone also allows managers the ability to assign the fundraising hunting opportunity to hunt zones that hold hunter interest and fundraising value.

Amend subsection 362(b)(4)(A) to remove Zone 10 and add subsection 362(b)(4)(D) to add Zone 10.

Amend subsection 362(b)(4)(C) Zone 7.

Amend subsection 362(b)(4)(C) 1. to create a Period 1 hunt season with the existing summer season dates and **add subsection 362(b)(4)(C)2.** to be the new Period 2 hunt season with a pilot winter season. Zone 7 is an extremely difficult area to hunt and has the lowest hunter success rates for any of the Nelson bighorn sheep hunt zones; adding a winter season to this zone is intended to increase hunter opportunity and potentially hunter success. Period 1 and Period 2 are two separate hunts with two separate tag allocations. As such, hunters will have to choose a season (i.e. Period 1 or Period 2) when they apply during the Big Game Drawing.

Add subsection 362(b)(4)(D) Zone 10.

Add subsection 362(b)(4)(D) 1. to create a Period 1 hunt season with the existing season dates and **add subsection 362(b)(4)(D)2.** to be the new Period 2 hunt season as a late winter season. Zone 10 hosts one of the largest populations of Nelson bighorn sheep in California and by splitting the season in half we are able to maximize hunter opportunity and experience while reducing crowding. Period 1 and Period 2 are two separate hunts with two separate tag allocations. As such, hunters will have to choose a season (i.e. Period 1 or Period 2) when they apply during the Big Game Drawing.

Amend subsection 362(d) to modify hunt tag quotas for each zone (currently shown as ranges) and to reflect increased zone ranges Zone 2, Zone 7 (Period 1), Zone 7 (Period 2), Zone 10 (Period 1), and Zone 10 (Period 2). The rest of the ranges will conform to 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 CA Fish and Game Commission to receive proposed changes to existing regulations prior the completion of surveys and analyses, thus necessitating a range of numbers with this Initial Statement of Reasons. Analyses are scheduled for completion by March 2024 and final numbers would be provided with the Final Statement of Reasons.

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

Table 1. Section 362(d)

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Tag Allocation 2024</i>	<i>Proposed Tag Allocation 2025</i>
Zone 1 -- Marble/Clipper Mountains	1	[0-5]
Zone 2 -- Kelso Peak/Old Dad Mountains	2	[0-4]
Zone 3 -- Clark/Kingston Mountain Ranges	3	[0-4]
Zone 4 -- Orocopia Mountains	1	[0-2]
Zone 5 -- San Gorgonio Wilderness	0	[0-3]
Zone 6 -- Sheep Hole Mountains	1	[0-2]
Zone 7 (Period 1) -- White Mountains	4	[0-4]
Zone 7 (Period 2) – White Mountains	-	[0-4]
Zone 8 -- South Bristol Mountains	1	[0-3]
Zone 9 -- Cady Mountains	2	[0-4]
Zone 10 (Period 1) -- Newberry, Rodman, Ord Mountains	6	[0-7]
Zone 10 (Period 2) – Newberry, Rodman, Ord Mountains	-	[0-7]
Open Zone Fundraising Tag	1	1
Single Zone Fundraising Tag 1: Zone [1-10] (formerly Marble/Clipper/South Bristol Mountains Fundraising Tag)	0	[0-1]
Single Zone Fundraising Tag 2: Zone [1-10] (formerly Cady Mountains Fundraising Tag)	1	[0-1]
Total:	23	[0-52]

Amend subsection 362(e)(4) to remove a nonfunctioning phone number.

(b) Goals and Benefits of the Regulation

The goals and benefits of the regulations are to help maintain sustainable populations of Nelson 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).

(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](#)
- [Draft Conservation and Management Plan for Bighorn Sheep in California](#) (September 2024)

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

- Wildlife Resources Committee, May 2024
- Wildlife Resources Committee, September 2024

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. F&G 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.

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 because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to significantly stimulate demand for goods or services related to bighorn sheep hunting. As previously mentioned, periodic or annual 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. If greater numbers of hunters visit the areas in the state with increased annual opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could benefit from small increases in sales for that license year. 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 total net number of tags is anticipated to increase from the previous year, so no adverse economic impacts to individuals or to businesses that support bighorn sheep hunts are anticipated. 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:

No new costs/savings or change to federal funding are anticipated for state agencies. However, the Department is projected to experience higher bighorn sheep 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 businesses or the elimination of existing businesses within the state because the potential economic impacts of the proposed regulations vary annually as tag quotas change, and are unlikely to be substantial enough to stimulate demand for goods or services related to Nelson bighorn sheep hunting in the long run due to annual variability.

(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 potential economic impacts of the proposed regulations vary annually as tag quotas change, and are unlikely to be substantial enough to stimulate demand for goods or services related to Nelson bighorn sheep hunting in the long run due to annual variability.

(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 F&G 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 bighorn sheep to ensure their continued existence and supporting recreational opportunity. Adoption of scientifically-based tag quotas provides for the

maintenance of bighorn sheep 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:

The Commission does not anticipate other benefits from the proposed regulation.