STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Subsection 362(d)
Title 14, California Code of Regulations (CCR)
Re: Nelson Bighorn Sheep

Date of Initial Statement of Reasons: September 15, 2014

II. Dates and Locations of Scheduled Hearings:

(a)	Notice Hearing:	Date:	December 3, 2014
		Location:	Van Nuys, CA
(b)	Discussion Hearings:	Date:	February 12, 2015
		Location:	Sacramento, CA
(c)	Adoption Hearing:	Date:	April 9, 2015
		Location:	Santa Rosa, CA

III. Description of Regulatory Action:

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

1. Number of Tags

This proposed regulatory action amends subsection 362(d) providing for the number of tags for bighorn sheep hunting for 2015. Existing regulations specify the number of bighorn sheep hunting tags for each hunt. In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for hunts need to be adjusted periodically.

Section 4902 of the Fish and Game Code specifies that the Commission may allow the take of no more than 15 percent of the mature Nelson bighorn rams estimated in the hunt areas in a single year, based on the Department's annual estimate of the population in each management unit. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 2015 adoption hearing.

Investigation into the disease status of bighorn sheep populations began in 2013. *Mycoplasma ovipneumoniae* has been detected in several of California's nine bighorn sheep management units (Marble/Clipper Mountains, Kelso Peak/Old Dad Mountains units and the southern Bristol Mountains). *Mycoplasma* is a respiratory pathogen of domestic sheep, domestic goats, bighorn sheep, and mountain goats that can both cause primary atypical

DRAFT

pneumonia and also predispose infected animals to secondary pneumonia with other agents. The cause or source of the bacteria has not been determined.

In response to this disease outbreak, the Department and several partners are currently undertaking a study that will:

- Mark desert bighorn sheep to determine the distribution and prevalence of pneumonia in bighorn sheep populations in the Mojave Desert.
- Collect sick animals to perform disease testing to help identify pathogens, potential source areas, and movement of the disease through the Central Mojave and Southern Mojave metapopulation fragments.
- Identify and, to the extent possible, remove any domestic sheep and goats, and other feral exotic bovids that could be sources of pathogens

Although the Department is developing a contract bid package in anticipation of recommencing aerial surveys for big game species (including bighorn sheep), administrative requirements may impact our ability to collect adequate survey information in time for final tag quota recommendations in April 2015. Population data will be collected by helicopter surveys, ground based surveys (vehicle and foot survey routes), and/or waterhole camera data to base tag quota recommendations to the Commission consistent with the following criteria as supported by management plans:

- If the Department's annual population estimate for any of the individual management units is below 50 adult ewes and/or the ram/ewe ratio falls below 40:100, then the Department will recommend a 0 tag quota for the 2015 season in that unit.

- If no substantial reduction in population is determined in the estimate of the population, then tag quotas will be recommended consistent with management plan guidelines and the statutory requirement that no more than 15% of the mature rams may be harvested through hunting (Fish and Game Code section 4902(a)(2)).

To comply with Section 4902 and meet the objectives of the approved management plans for each unit, the Department has developed tag ranges for each hunt area. The proposed tag ranges are biologically conservative by design to ensure that harvest is consistent with management plan guidelines for individual units and not more than 15 percent of the mature rams in any zone are taken.

DRAFT

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

§ 362(d) HUNT ZONE	Current 2014 Tag Allocation	Proposed 2015 Tag Allocation [Range]
Zone 1 - Marble/Clipper Mountains	**4**	**0-4**
Zone 2 - Kelso Peak/Old Dad Mountains	**0**	**0-4**
Zone 3 - Clark/Kingston Mountain Ranges	**1**	**0-2**
Zone 4 - Orocopia Mountains	**2**	**0-2**
Zone 5 - San Gorgonio Wilderness	**2**	**0-3**
Zone 6 - Sheep Hole Mountains	**0**	**0-2**
Zone 7 – White Mountains	**1**	**0-5**
Zone 8 - South Bristol Mountains	**1**	**0-3**
Zone 9 – Cady Mountains	**2**	**0-4**
Open Zone Fund-raising Tag	**1**	**0-1**
Marble/Clipper/South Bristol Mountains Fund-raising Tag	**0**	**0-1**
Kelso Peak/Old Dad Mountains Fund-raising Tag	**0**	**0-1**
TOTAL	**14**	**0-32**

The Department's research indicates that aerial surveys do not detect all mature rams present. Results of the survey and monitoring efforts indicate that the ram populations are higher than the number observed during aerial surveys. The final number of tags will be recommended to the Commission at the adoption hearing in April 2015, based upon the Department's annual estimate of the population in each management unit.

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

Authority: Sections 200, 202, 203, 220, 1050, and 4902, Fish and Game Code.
Reference: Sections 200, 202, 203, 203.1, 207, 1050, 3950, and 4902, Fish and Game Code.

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

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

2011 Final Environmental Document Regarding Bighorn Sheep Hunting Economic Impact Assessment

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department's regulation change concepts for the 2015-16 big-game hunting seasons were presented and discussed at the Fish and Game Commission Wildlife Resources Committee meeting held in Sacramento on September 17, 2014.

DRAFT

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternative was identified.

(b) No Change Alternative:

The no change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities while maintaining bighorn sheep populations within desired population objectives. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable 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 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.

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 newly proposed range is at or below the number of tags analyzed in the most recent Final Environmental Document Regarding Bighorn Sheep 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 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.

DRAFT

(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 benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

(c) Cost Impacts on Representative Private Persons/Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

None.

(e) Other 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:

None.

(h) Effect on Housing Costs:

None.

DRAFT

INFORMATIVE DIGEST
(Policy Statement Overview)

The existing regulation in subsection 362(d), Title 14, CCR, provides for limited hunting of 14 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on Department's annual population estimates in the management units. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's estimate of the bighorn sheep population in each zone. Tag allocations are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by April of 2015 pending completion of population surveys and associated analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

§ 362(d) HUNT ZONE	Current 2014 Tag Allocation	Proposed 2015 Tag Allocation [Range]
Zone 1 - Marble/Clipper Mountains	4	0-4
Zone 2 - Kelso Peak/Old Dad Mountains	0	0-4
Zone 3 - Clark/Kingston Mountain Ranges	1	0-2
Zone 4 - Orocopia Mountains	2	0-2
Zone 5 - San Gorgonio Wilderness	2	0-3
Zone 6 - Sheep Hole Mountains	0	0-2
Zone 7 – White Mountains	1	0-5
Zone 8 - South Bristol Mountains	1	0-3
Zone 9 – Cady Mountains	2	0-4
Open Zone Fund-raising Tag	1	0-1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	0	0-1
Kelso Peak/Old Dad Mountains Fund-raising Tag	0	0-1
TOTAL	14	0-32

DRAFT

Benefits of the regulations

The Nelson Bighorn Sheep management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of

fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate Nelson Bighorn Sheep hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to Nelson Bighorn Sheep tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

DRAFT

REGULATORY TEXT

Subsection (d) of Section 362, Title 14, CCR is amended to read:

§362. Nelson Bighorn Sheep.

[No changes to subsections 362(a) through (c)]

(d) Number of License Tags:

Nelson Bighorn Sheep Hunt Zones	Tag Allocation
Zone 1 - Marble/Clipper Mountains	~~4~~ [0-4]
Zone 2 - Kelso Peak/Old Dad Mountains	~~0~~ [0-4]
Zone 3 - Clark/Kingston Mountain Ranges	~~1~~ [0-2]
Zone 4 - Orocopia Mountains	~~2~~ [0-2]
Zone 5 - San Gorgonio Wilderness	~~2~~ [0-3]
Zone 6 - Sheep Hole Mountains	~~0~~ [0-2]
Zone 7 - White Mountains	~~1~~ [0-5]
Zone 8 - South Bristol Mountains	~~1~~ [0-3]
Zone 9 - Cady Mountains	~~2~~ [0-4]
Open Zone Fund-Raising Tag	~~1~~ [0-1]
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	~~0~~ [0-1]
Kelso Peak/Old Dad Mountains Fund-Raising Tag	~~0~~ [0-1]
Total:	~~14~~ [0-32]

[No changes to subsection 362(e)]

Note: Authority cited: Sections 200, 202, 203, 220, 1050, and 4902, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 1050, 3950, and 4902, Fish and Game Code.

DRAFT