

STAFF SUMMARY FOR FEBRUARY 8-9, 2017

18. MAMMAL HUNTING**Today's Item****Information** **Action**

Discuss proposed changes to mammal hunting regulations (deer, archery deer, nelson big horn sheep, antelope, elk, and Shared Habitat Alliance for Recreational Enhancement (SHARE) elk hunts).

Summary of Previous/Future Actions

- WRC vetting Sep 21, 2016; WRC Sacramento
- Notice hearing Dec 7-8, 2016; San Diego
- **Today's discussion hearing Feb 8-9, 2017; Rohnert Park**
- Adoption hearing Apr 26-27, 2017; Van Nuys

Background

Annual proposed changes to the hunting regulations for various big game mammals are combined for concurrent action under a single rulemaking package. Proposed changes are highlighted below.

**§ 360 (Deer), 361 (Archery Deer), 362 (Nelson Bighorn Sheep),
363 (Pronghorn Antelope), 364 (Elk) and 364.1 (SHARE Elk Hunts)**

- The proposal changes the number of tags for all existing zones to a series of ranges necessary at this time because the final number of tags cannot be determined until spring herd data are collected in Mar/Apr.
- Other minor (nonsubstantive) editorial changes and renumbering are also proposed.
- The term "calendar shift" used in proposing date changes refers to considering days lost or gained from one year to the next when relative days are identified. An example would be "the first Saturday in Oct" was Oct 1, 2016, but will be Oct 7, 2017, which, if unaccounted for, would take seven days off the 2017 season.

In addition, the following section-specific proposals are included:

§ 360(c) Additional Deer Hunts

- Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on Oct 8 and continue for three consecutive days, and then reopen on Oct 15 and continue for two consecutive days, including the Columbus Day holiday. The proposal would modify the season to account for the annual calendar shift.
- Hunt G-10 (Camp Pendleton Either-Sex Hunt) provides for hunting to begin on the first Saturday in Sep and extend through the first Sunday in Dec, allowing hunting on Saturdays, Sundays, holidays and the day after Thanksgiving. The proposal would allow for the calendar shift and allow hunting on Fridays, Saturdays, Sundays, Labor Day, Columbus Day and Veterans Day.

STAFF SUMMARY FOR FEBRUARY 8-9, 2017

- Hunt G-11 (Vandenberg Either-Sex Deer Hunt) currently provides for hunting to begin on the last Monday in Aug and extend through Dec 31. The proposal would allow hunting to begin on August 28 but only extend through October 1.

§ 361(b) Archery Deer Hunting

- Existing regulations for Hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) provide for hunting to begin on the first Saturday in Oct and end on Nov 11. The proposal would modify the season to open the season on the first Saturday in Oct and end on Nov 12.

§ 362 Nelson Bighorn Sheep

- DFW's final recommendations will ensure that the take will be no more than 15 percent of the mature rams estimated in each zone in accordance with Fish and Game Code Section 4902.

§ 364 Elk

- The proposal establishes the Goodale Tule Elk Hunt in the western part of the Independence zone. DFW recommends adding a new subsection 364(d)(10)(A) establishing a Goodale General Methods Tule Elk Hunt.
- Modify Season Dates. DFW makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, DFW modifies the calendar day for the start of individual hunts and the number of days of hunting. The proposed table in the initial statement of reasons (ISOR) sets forth the recommended days for each hunt.

§ 364.1 SHARE Elk Hunts

- Modify SHARE Hunt. DFW is recommending establishing a new Goodale SHARE hunt in subsection 364(l)(10).

Significant Public Comments (N/A)

Recommendation (N/A)

Exhibits

1. [ISOR 360\(b\) Deer X-zone Hunts](#)
2. [ISOR 360\(c\) Deer: Additional Hunts](#)
3. [ISOR 361 Archery Deer Hunting](#)
4. [ISOR 362 Nelson Bighorn Sheep](#)
5. [ISOR 363 Pronghorn Antelope](#)
6. [ISOR 364 Elk Hunts, Seasons, and Number of Tags](#)
7. [ISOR 364.1 SHARE Elk Hunts](#)
8. [DFW memo, received Nov 8, 2016](#)

Motion/Direction (N/A)

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

Amend Subsection 360(b),
Title 14, California Code of Regulations (CCR)
Re: Deer: X-Zone Hunts

I. Date of Initial Statement of Reasons: September 21, 2016

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 8, 2016
Location: San Diego, CA

(b) Discussion Hearing: Date: February 8, 2017
Location: Rohnert Park, CA

(c) Adoption Hearing: Date: April 26, 2017
Location: Van Nuys, 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

Existing regulations provide for the number of deer hunting tags for the X zones. The proposed action initially provides a range of tag numbers for each zone from which a final number will be determined based on the post-winter status of each deer herd. Ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. A low end quota range of zero (0) tags is used in the event final tag quotas need to go lower. Hunts may be cancelled due to events such as fire, disease or other factors.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of available deer (allowable deer harvest) next season. The number of bucks and does (ADH) needs to be estimated prior to the hunting season to determine how many surplus deer will exist over and above the number required to maintain the desired buck: doe ratio objectives stated in the approved deer herd management plans.

The following table provides a proposed range of tag numbers for each zone from which a final number of tags will be determined:

Deer: § 360(b) X-Zone Hunts			
Tag Allocations			
§	Zone	Current 2016	Proposed 2017 [Range]
(1)	X-1	760	0 - 6,000
(2)	X-2	175	0 - 500
(3)	X-3a	355	0 - 1,200
(4)	X-3b	795	0 - 3,000
(5)	X-4	460	0 - 1,200
(6)	X-5a	75	0 - 200
(7)	X-5b	50	0 - 500
(8)	X-6a	330	0 - 1,200
(9)	X-6b	310	0 - 1,200
(10)	X-7a	230	0 - 500
(11)	X-7b	135	0 - 200
(12)	X-8	210	0 - 750
(13)	X-9a	650	0 - 1,200
(14)	X-9b	325	0 - 600
(15)	X-9c	325	0 - 600
(16)	X-10	400	0 - 600
(17)	X-12	680	0 - 1,200

The actual tag numbers for each affected zone will be reflected in the Final Statement of Reasons and will be selected from the range of values provided by this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, final tag quotas may fall below the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

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

Authority: Sections 200, 202, 203, 220, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None

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

2007 Final Environmental Document Regarding Deer Hunting

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

Fish and Game Commission Wildlife Resources Committee meeting held in Woodland on September 21, 2016.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Allocate 40 X3b tags exclusively for apprentice hunters

The proposal is to reallocate 40 tags from the total number allocated for hunt zone X3b and reserve them solely for apprentice hunters. This proposal would reduce the number of tags available to non-apprentice hunters and would increase the number of points necessary for other hunters to draw this tag. In order to avoid unnecessarily reducing hunter opportunity for non-apprentice hunters, additional analysis and discussion amongst affected parties is required. Therefore, this alternative is rejected until the analysis of hunter recruitment/retention data is concluded and potential actions are discussed in a public forum.

(b) No Change Alternative:

The "No Change Alternative" was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the zones listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of hunting tags. The "No Change Alternative" would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

(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.

(d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

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 Deer Hunting and the approved deer herd management plans.

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 deer 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 proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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.

(c) Cost Impacts on Private Persons:

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) 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

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the 2016 deer season in the X zones. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved deer herd management plans to preserve herd health and hunting opportunities in subsequent seasons.

(a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

(b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will benefit the health and welfare of California residents by maintaining healthy deer herds and providing opportunities for the public to participate in a healthy outdoor activity.

- (e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of deer hunting tags for the X zones. The proposed action changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Deer: § 360(b) X-Zone Hunts			
Tag Allocations			
§	Zone	Current 2016	Proposed 2017 [Range]
(1)	X-1	760	0 - 6,000
(2)	X-2	175	0 - 500
(3)	X-3a	355	0 - 1,200
(4)	X-3b	795	0 - 3,000
(5)	X-4	460	0 - 1,200
(6)	X-5a	75	0 - 200
(7)	X-5b	50	0 - 500
(8)	X-6a	330	0 - 1,200
(9)	X-6b	310	0 - 1,200
(10)	X-7a	230	0 - 500
(11)	X-7b	135	0 - 200
(12)	X-8	210	0 - 750
(13)	X-9a	650	0 - 1,200
(14)	X-9b	325	0 - 600
(15)	X-9c	325	0 - 600
(16)	X-10	400	0 - 600
(17)	X-12	680	0 - 1,200

Benefits of the regulations

The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the

number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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 and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

REGULATORY TEXT

Subsection (b) of Section 360 is amended to read:

§360. Deer.

. . . [subsection (a)]

(b) X-Zone Hunts.

(1) Zone X-1.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~760~~ [0 - 6,000].

(2) Zone X-2.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~475~~ [0 - 500].

(3) Zone X-3a.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~355~~ [0 - 1,200].

(4) Zone X-3b.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~795~~ [0 - 3,000].

(5) Zone X-4.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~460~~ [0 - 1,200].

(6) Zone X-5a.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~75~~ [0 - 200].

(7) Zone X-5b.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~50~~ [0 - 500].

(8) Zone X-6a.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~330~~ [0 - 1,200].

(9) Zone X-6b.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~340~~ [0 - 1,200].

(10) Zone X-7a.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~230~~ [0 - 500].

(11) Zone X-7b.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~135~~ [0 - 200].

(12) Zone X-8.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~240~~ [0 - 750].

(13) Zone X-9a.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~650~~ [0 - 1,200].

(14) Zone X-9b.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~325~~ [0 - 600].

(15) Zone X-9c.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~325~~ [0 - 600].

(16) Zone X-10.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~400~~ [0 - 600].

(17) Zone X-12.

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~680~~ [0 - 1,200].

. . . [subsections (c), (d), (e)]

Note: Authority: Sections 200, 202, 203, 220, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

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

Amend Subsection 360(c)
Title 14, California Code of Regulations (CCR)
Re: Deer: Additional Hunts

I. Date of Initial Statement of Reasons: September 21, 2016

II. Dates and Locations of Scheduled Hearings:

- | | | |
|-------------------------|-----------|------------------|
| (a) Notice Hearing: | Date: | December 8, 2016 |
| | Location: | San Diego, CA |
| (b) Discussion Hearing: | Date: | February 8, 2017 |
| | Location: | Rohnert Park, CA |
| (c) Adoption Hearing: | Date: | April 26, 2017 |
| | Location: | Van Nuys, 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

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action initially provides a range of tag numbers for each zone from which a final number will be determined based on the post-winter status of each deer herd. Ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. A low end quota range of zero (0) tags is used in the event final tag quotas need to go lower. Hunts may be cancelled due to events such as fire, disease or other factors.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of available deer (allowable deer harvest) next season. The number of bucks and does (ADH) needs to be estimated prior to the hunting season to determine how many surplus deer will exist over and above the number required to maintain the desired buck: doe ratio objectives stated in the approved deer herd management plans.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the following table:

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	0 - 5,000
(2)	G-3 (Goodale Buck Hunt)	35	0 - 50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	0 - 100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (15 Military and 15 Public)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	250 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 Military*, DOD and as Authorized by the Installation Commander**	200 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	0 - 50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	0 - 300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	0 - 50
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	0 - 100

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(13)	G-37 (Anderson Flat Buck Hunt)	25	0 - 50
(14)	G-38 (X-10 Late Season Buck Hunt)	300	0 - 300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	0 - 150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	0 - 75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	5	0 - 50
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	0 - 50
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	0 - 100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	0 - 150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	0 - 50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	0 - 100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	0 - 200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	0 - 150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	0 - 150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	0 - 25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	0 - 30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	0 - 0

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	0 - 50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	0 - 20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	0 - 10
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military & 60 Public)	85 Tags Total* (25 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	0 - 50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	0 - 20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	0 - 100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	0 - 75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	0 - 30
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	0 - 75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	0 - 25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	0 - 75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	0 - 40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	0 - 20

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	0 - 80

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

** *DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

The actual tag numbers for each affected zone will be reflected in the Final Statement of Reasons and will be selected from the range of values provided by this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, final tag quotas may fall below the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Note: The current tag quota of zero (0) for additional deer hunt G-9 (Camp Roberts Antlerless Deer Hunt) reflects the Base’s closure to hunting while construction was under way on the base. Construction was scheduled for completion in 2013; however the timetable for resumption of base hunting programs has not been determined. The Department is currently in meetings with base command, and a decision regarding tag quotas is anticipated prior to the April 2017 Fish and Game Commission meeting date. At this time, the current tag quota of zero (0) has been modified to the former tag quota of thirty (30) in anticipation of the possible resumption of deer hunting activities by the Base in the 2017/2018 season. However, if Base operations take precedence over conducting the G-9 hunt, the tag quota will be reduced to zero (0) and reflected in the Final Statement.

2. Modify Season for Additional Hunt G-8

Existing regulations for Additional Hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) provide for hunting to begin on October 8 and October 15, and continue for 3 and 2 days respectively, including the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on October 7 and continue for three (3) consecutive days, including the Columbus Day holiday, and reopen on October 14 and continue for two (2) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

3. Modify Season for Additional Hunt G-10

Existing regulations for Additional Hunt G-10 (Camp Pendleton Either-Sex Deer Hunt) provide for hunting to begin on the first Saturday in September extending through the first Sunday in December on Saturdays, Sundays, holidays and the day after Thanksgiving.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on the first Saturday in September extending through the first Sunday in December. The proposal would also allow hunting on Fridays in addition to Saturdays, Sundays, Labor Day, Columbus Day, and Veterans Day. Season dates may be open to further restrictions, or additional hunt days scheduled with concurrence from the Department, between the season opener and December 31 by the Commanding Officer due to military operations. This proposal is consistent with current deer herd management objectives and recommendations.

4. Modify Season for Additional Hunt G-11

Existing regulations for Additional Hunt G-11 (Vandenberg Either-Sex Deer Hunt) provide for hunting to begin on the last Monday in August extending through December 31.

The current proposal would modify the season to account for base operations beginning the season on the last Monday in August extending through October 1.

The proposal to shorten the season is necessary to accommodate base operations and is consistent with current deer herd management objectives and recommendations.

5. Modify Season for Additional Hunt J-10

Existing regulations for Additional Hunt J-10 (Fort Hunter Liggett Junior Either-Sex Deer Hunt) provide for hunting to begin on October 8 and October 15, and continue for 3 and 2 days respectively, including the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities.

The current proposal would modify the season to account for the annual calendar shift by changing the season dates to open on October 7 and continue for three (3) consecutive days, including the Columbus Day holiday, and reopen on October 14 and continue for two (2) consecutive days. No loss of hunter opportunity would result from this action and the proposal is consistent with existing deer herd management plan recommendations.

6. Minor Editorial Changes

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

Recent changes to Section 550 require that such references be changed to Section 551 in subsections (c)(11)(A) and (c)(30)(A).

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

Authority: Sections 200, 202, 203, 220, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

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

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

2007 Final Environmental Document Regarding Deer Hunting.

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

Fish and Game Commission Wildlife Resources Committee meeting held in Woodland on September 21, 2016.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Additional Hunt G-8

Modify season to allow for the annual calendar shift. This proposal was approved because it allows for base operation scheduling with no loss of hunter opportunity..

3. Modify Season for Additional Hunt G-10

Modify season to allow for the annual calendar shift and include Fridays, Labor Day, Columbus Day and Veterans Day. This proposal was approved because it allows for base operations with additional hunter opportunity.

4. Modify Season for Additional Hunt G-11

Modify season by shortening it to accommodate base operations. The proposal was approved in response to the need for flexibility in base operations. Although the proposal will result in some loss of hunter opportunity, it is consistent with deer herd objectives.

5. Modify Season Additional Hunt J-10

Modify season to allow for annual calendar shift. This proposal was approved because it accommodates military operations and provides hunter opportunity.

6. Minor Editorial Changes

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Number of Tags

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current number of tags for the hunts listed may not be responsive to changes in the status of the herds. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of tags. The “No Change Alternative” would not allow management of the desired proportion of bucks stated in the approved deer herd management plans.

2. Modify Season for Additional Hunt G-8

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and unnecessarily restrict hunter opportunity.

3. Modify Season for Additional Hunt G-10

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and/or unnecessarily restrict hunter opportunity.

4. Modify Season for Additional Hunt G-11

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations and scheduled activities.

5. Modify Season for Additional Hunt J-10

The “No Change Alternative” was considered and found inadequate to attain the project objectives. Retaining the current season length and timing would be unresponsive to Base operations, scheduled activities and/or unnecessarily restrict hunter opportunity.

6. Minor Editorial Changes

The “No Change Alternative” was considered and found inadequate to attain the project objectives, because inconsistencies in section and subsection references, numbering, spelling, grammar and lack of clarification would exist within the regulations, potentially leading to confusion and possible violations.

(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 Deer Hunting and the approved deer herd management plans.

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 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, modifies season dates for two hunts on military land and makes minor editorial changes for consistency in Section numbering. 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 proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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.

(c) Cost Impacts on Private Persons:

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) 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

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the 2016 deer season in the additional hunt zones. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved deer herd management plans to preserve herd health and hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

- b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will benefit the health and welfare of California residents by maintaining sustainable deer populations and providing opportunities for the public to participate in a healthy outdoor activity.

- (e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 8 and continue for three (3) consecutive days and reopen on October 15 and continue for two (2) consecutive days, including the Columbus Day holiday. The proposal would modify the season to account for the annual calendar shift. The proposal would change the season dates to open on October 7 and October 14, for 3 and 2 consecutive days respectively, and include the Columbus Day holiday.

Existing regulations for Additional Hunt G-10 (Camp Pendleton Either-Sex Hunt) provide for hunting to begin on the first Saturday in September and extend through the first Sunday in December and allows hunting on Saturdays, Sundays, holidays and the day after Thanksgiving. The proposal would allow for the calendar shift and allow hunting on Fridays, Saturdays, Sundays, Labor Day, Columbus Day and Veterans Day.

Existing regulations for Additional Hunt G-11 (Vandenberg Either-Sex Deer Hunt) provide for hunting to begin on the last Monday in August and extend through December 31. The proposal would allow hunting to begin on August 28 and extend through October 1.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and clarification.

The proposed action changes the number of tags for all existing hunts (except those on military installations) to a series of ranges as indicated in the table below.

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	0 - 5,000
(2)	G-3 (Goodale Buck Hunt)	35	0 - 50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	0 - 100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (15 Military and 15 Public)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	250 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 Military*, DOD and as Authorized by the Installation Commander**	200 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	0 - 50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	0 - 300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	0 - 50
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	0 - 100
(13)	G-37 (Anderson Flat Buck Hunt)	25	0 - 50

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(14)	G-38 (X-10 Late Season Buck Hunt)	300	0 - 300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	0 - 150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	0 - 75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	5	0 - 50
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	0 - 50
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	0 - 100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	0 - 150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	0 - 50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	0 - 100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	0 - 200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	0 - 150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	0 - 150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	0 - 25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	0 - 30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	0 - 50

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	0 - 50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	0 - 20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	0 - 10
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military & 60 Public)	85 Tags Total* (25 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	0 - 50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	0 - 20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	0 - 100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	0 - 75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	0 - 30
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	0 - 75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	0 - 25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	0 - 75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	0 - 40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	0 - 20

Deer: § 360(c) Additional Hunts Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	0 - 80

**Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

***DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

Benefits of the regulations

The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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 and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

REGULATORY TEXT

Subsection (c) of Section 360 is amended to read:

§360. Deer.

. . . [subsections (a) and (b)]

(c) Additional Hunts.

(1) G-1 (Late Season Buck Hunt for Zone C-4).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~2,740~~ [0 - 5,000].

(2) G-3 (Goodale Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~35~~ [0 - 50].

(3) G-6 (Kern River Deer Herd Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~50~~ [0 - 100].

(4) G-7 (Beale Either Sex Hunt).

. . . [No changes to subsections (A) through (E)]

(5) G-8 (Fort Hunter Liggett Antlerless Deer Hunt).

. . . [No changes to subsection (A)]

(B) Season: The season for additional hunt G-8 (Fort Hunter Liggett Antlerless Deer Hunt) shall open on October ~~3~~ 7 and extend for ~~2~~ 3 consecutive days and reopen on October ~~10~~ 14 and extend for ~~3~~ 2 consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

. . . [No changes to subsections (C) through (E)]

(6) G-9 (Camp Roberts Antlerless Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~0~~ 30 (15 military and 15 public).

(7) G-10 (Camp Pendleton Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (D)]

(8) G-11 (Vandenberg Either-Sex Deer Hunt).

. . . [No changes to subsection (A)]

(B) Season: The season for the additional hunt G-11 (Vandenberg Either Sex Hunt) shall open on the last Monday in August and extend through October 1.

. . . [No changes to subsection (C)]

(9) G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~30~~ [0 - 50].

. . . *[No changes to subsection (E)]*

(10) G-13 (San Diego Antlerless Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~300~~ [0 - 300].

(11) G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt).

(A) Area: Those portions of Yuba and Sutter counties within the exterior boundaries of: (1) the Feather River Wildlife Area, and (2) the Sutter Bypass Wildlife Area (as defined in Section ~~550~~ 551, Title 14, CCR).

. . . *[No changes to subsections (B) and (C)]*

(D) Number of Tags: ~~25~~ [0 - 50].

. . . *[No changes to subsection (E)]*

(12) G-21 (Ventana Wilderness Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~25~~ [0 - 100].

(13) G-37 (Anderson Flat Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~25~~ [0 - 50].

(14) G-38 (X-10 Late Season Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~300~~ [0 - 300].

(15) G-39 (Round Valley Late Season Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~5~~ [0 - 150].

(16) M-3 (Doyle Muzzleloading Rifle Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~20~~ [0 - 75].

. . . *[No changes to subsection (E)]*

(17) M-4 (Horse Lake Muzzleloading Rifle Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~5~~ [0 - 50].

- ... *[No changes to subsection (E)]*
- (18) M-5 (East Lassen Muzzleloading Rifle Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~5~~ [0 - 50].
... *[No changes to subsection (E)]*
- (19) M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~80~~ [0 - 100].
... *[No changes to subsection (E)]*
- (20) M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~150~~ [0 - 150].
... *[No changes to subsection (E)]*
- (21) M-8 (Bass Hill Muzzleloading Rifle Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~20~~ [0 - 50].
... *[No changes to subsection (E)]*
- (22) M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~45~~ [0 - 100].
... *[No changes to subsection (E)]*
- (23) M-11 (Northwestern California Muzzleloading Rifle Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~20~~ [0 - 200].
... *[No changes to subsection (E)]*
- (24) MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~150~~ [0 - 150].
... *[No changes to subsection (E)]*
- (25) MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~150~~ [0 - 150].
... *[No changes to subsection (E)]*

- (26) J-1 (Lake Sonoma Apprentice Either-Sex Deer Hunt).
... [No changes to subsections (A) through (C)]
 (D) Number of Tags: ~~25~~ [0 - 25].
... [No changes to subsection (E)]
- (27) J-3 (Tehama Wildlife Area Apprentice Buck Hunt).
... [No changes to subsections (A) through (C)]
 (D) Number of Tags: ~~45~~ [0 - 30].
... [No changes to subsection (E)]
- (28) J-4 (Shasta-Trinity Apprentice Buck Hunt).
... [No changes to subsections (A) through (C)]
 (D) Number of Tags: ~~45~~ [0 - 50].
... [No changes to subsection (E)]
- (29) J-7 (Carson River Apprentice Either-Sex Deer Hunt).
... [No changes to subsections (A) through (C)]
 (D) Number of Tags: ~~45~~ [0 - 50].
... [No changes to subsection (E)]
- (30) J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt).
 (A) Area: That portion of Yuba County within the exterior boundaries of the Daugherty Hill Wildlife Area (as defined in Section ~~550~~ 551, Title 14, CCR).
... [No changes to subsections (B) through (C)]
 (D) Number of Tags: ~~45~~ [0 - 20].
... [No changes to subsection (E)]
- (31) J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt).
... [No changes to subsections (A) through (C)]
 (D) Number of Tags: ~~5~~ [0 - 10].
... [No changes to subsection (E)]
- (32) J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt).
... [No changes to subsection (A)]
 (B) Season: The season for additional hunt J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) shall open on October ~~3~~ 7 and extend for ~~2~~ 3 consecutive days and reopen on October ~~10~~ 14 and extend for ~~3~~ 2 consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.
... [No changes to subsection (C)]

- (D) Number of Tags: ~~75~~ 85 (~~45~~ 25 military and 60 general public).
... *[No change to subsection (E)]*
- (33) J-11 (San Bernardino Apprentice Either-Sex Deer Hunt).
... *[No changes for subsections (A) through (C)]*
- (D) Number of Tags: ~~40~~ [0 - 50].
... *[No changes to subsection (E)]*
- (E) Special Conditions:
- (34) J-12 (Round Valley Apprentice Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~40~~ [0 - 20].
... *[No changes to subsection (E)]*
- (35) J-13 (Los Angeles Apprentice Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~40~~ [0 - 100].
... *[No changes to subsection (E)]*
- (36) J-14 (Riverside Apprentice Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~30~~ [0 - 75].
... *[No changes to subsection (E)]*
- (37) J-15 (Anderson Flat Apprentice Buck Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~40~~ [0 - 30].
... *[No changes to subsection (E)]*
- (38) J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~75~~ [0 - 75].
... *[No changes to subsection (E)]*
- (39) J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*
- (D) Number of Tags: ~~25~~ [0 - 25].
... *[No changes to subsection (E)]*
- (40) J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt).
... *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~75~~ [0 - 75].

. . . [No changes to subsection (E)]

(41) J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~25~~ [0 - 40].

. . . [No changes to subsection (E)]

(42) J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~20~~ [0 - 20].

. . . [No changes to subsection (E)]

(43) J-21 (East Tehama Apprentice Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~50~~ [0 - 80].

. . . [No changes to subsection (E)]

(44) Conditions for Additional Hunts.

. . . [No changes to subsections (A) and (B)]

. . . [subsections (d) and (e)]

Note: Authority: Sections 200, 202, 203, 220, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 458, 459, 460, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code.

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

Amend Section 361
Title 14, California Code of Regulations (CCR)
Re: Archery Deer Hunting

I. Date of Initial Statement of Reasons: September 21, 2016

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 8, 2016
 Location: San Diego, CA

(b) Discussion Hearing: Date: February 8, 2017
 Location: Rohnert Park, CA

(c) Adoption Hearing: Date: April 26, 2017
 Location: Van Nuys, 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

Existing regulations provide for the number of deer hunting tags for area-specific archery hunts. The proposed action initially provides a range of tag numbers for each zone from which a final number will be determined based on the post-winter status of each deer herd. Ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. A low end quota range of zero (0) tags is used in the event final tag quotas need to go lower. Hunts may be cancelled due to events such as fire, disease or other factors.

In early spring, surveys of deer herds are conducted to determine the proportion of fawns that have survived the winter. This information is used in conjunction with the prior year harvest and fall herd composition data to estimate overall herd size, sex and age ratios, and the predicted number of available deer (allowable deer harvest) next season. The number of bucks and does (ADH) needs to be estimated prior to the hunting season to determine how many surplus deer will exist over and above the number

required to maintain the desired buck: doe ratio objectives stated in the approved deer herd management plans.

This proposed regulatory action would change the number of tags for all existing hunts to a series of ranges as indicated in the following table:

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[0 - 3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	100	[0 - 1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[0 - 100]
(4)	A-5 (Zone X-3a Archery Hunt)	40	[0 - 300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[0 - 400]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[0 - 400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[0 - 100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[0 - 100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[0 - 200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[0 - 200]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[0 - 200]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[0 - 100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[0 - 100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[0 - 500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[0 - 500]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[0 - 500]

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[0 - 200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[0 - 500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[0 - 100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[0 - 200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[0 - 75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[0 - 100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[0 - 75]
(25)	A-30 (Covelo Archery Buck Hunt)	40	[0 - 100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[0 - 300]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

The actual tag numbers for each affected zone will be reflected in the Final Statement of Reasons and will be selected from the range of values provided in this proposal. The number of tags is intended to allow the appropriate level of hunting opportunity and harvest of bucks and does in the population, while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in the approved deer herd management plans. These final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. However, under circumstances where various environmental factors such as severe winter conditions can adversely affect

herd recruitment and over-winter adult survival, final tag quotas may fall below the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

2. Modify Season for Area Specific Archery Hunt A-33

Existing regulations in subsection 361(b)(28) for Area Specific Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) provide for hunting to begin on the first Saturday in October and continuing through November 11 in order to accommodate base operations and other hunts. The proposal would change the season dates to open on the first Saturday in October until November 12 to account for the annual calendar shift.

A minor editorial correction is proposed for subsection 361(b)(26)(C) changing the referenced subsection to 351(c) which is the correct citation for the definition of either-sex deer.

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

Authority: Sections 200, 202, 203, 220, and 4370, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, and 4370, Fish and Game Code.

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

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

2007 Final Environmental Document Regarding Deer Hunting

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

Fish and Game Commission Wildlife Resources Committee meeting held in Woodland on September 21, 2016.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

There is no reasonable alternative to the proposed action.

2. Modify Season for Hunt A-33

Modify season to allow for the calendar shift allowing hunting for 37 consecutive days. This proposal was considered and approved because the changes in the season opening and closing dates and the length of the season (shorter by 5 days) would not significantly impact herd objectives or performance.

3. One public petition (Preston Taylor, Tracking Number 2015-016) was forwarded from the Fish and Game Commission for consideration during this rule-making package. The petition requested A) create an Archery Only either-sex deer tag or Archery Only antlerless deer tag and B) the addition of a traditional archery deer season (longbows & recurve bows only). These proposals were considered and rejected for the following reasons:

A. Antlerless hunting is a management tool that must be supported by adequate population data prior to implementation of any antlerless hunts. At this time the data being collected does not support the blanket implementation of antlerless hunts across the State and may produce relatively long-term negative impacts on the State's deer population. When the data supports it, the Department will recommend antlerless hunting on a limited basis.

B. Archers are currently provided an early-archery season, are allowed to use archery equipment during the general season, and in many cases are provided late-season archery hunts that are not available to those using firearms while hunting. Archers may choose to use whatever equipment they wish as long as it conforms to Section 353, T14, CCR and the establishment of a "traditional archery deer season" may negatively impact hunter opportunity for those hunters not choosing to use "traditional" archery equipment.

(b) No Change Alternative:

1. Number of Tags

The "No Change Alternative" was considered and found inadequate to attain the project objectives. The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by modifying the number of hunting tags. The "No Change Alternative" would not allow management of the desired proportion of bucks or does stated in the approved deer herd management plans.

2. Modify Season for Hunt A-33

The “No Change Alternative” was considered and found inadequate to attain project objectives. Retaining current season dates would be unresponsive to Base operations and scheduled activities.

3. Establishment of Archery-only either-sex deer tags and establishment of traditional archery season requiring the use of only longbows and/or recurve bows.

The “No Change Alternative” was considered and found adequate to attain project objectives for the reasons listed in Section IV(a)(3), above.

(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.

(d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

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 Deer Hunting and the approved deer herd management plans.

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 proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a significant change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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.

- (c) Cost Impacts on Private Persons:

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) 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

VII. Economic Impact Assessment:

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the 2016 deer season in the archery hunt zones. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved deer

herd management plans to preserve herd health and hunting opportunities in subsequent seasons.

(a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

(b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

(c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

(d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will benefit 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 and the action contributes to the sustainable management of natural resources.

(e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposed action changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Existing regulations for Hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Hunt) provide for hunting to begin on the first Saturday in October and end on November 11. The proposal would modify the season to allow for the annual calendar shift by opening the season on the first Saturday in October and ending on November 12.

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[0 - 3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	100	[0 - 1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[0 - 100]
(4)	A-5 (Zone X-3a Archery Hunt)	40	[0 - 300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[0 - 400]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[0 - 400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[0 - 100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[0 - 100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[0 - 200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[0 - 200]

Archery Deer Hunting: § 361(b)			
Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[0 - 200]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[0 - 100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[0 - 100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[0 - 500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[0 - 500]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[0 - 500]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[0 - 200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[0 - 500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[0 - 100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[0 - 200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[0 - 75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[0 - 100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[0 - 75]
(25)	A-30 (Covelo Archery Buck Hunt)	40	[0 - 100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[0 - 1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[0 - 300]

Archery Deer Hunting: § 361(b) Tag Allocations			
§	Hunt Number (and Title)	Current 2016	Proposed 2017 [Range]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

** Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

Benefits of the regulations

The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts. Adjusting tag allocations in response to current deer herd conditions contributes to the sustainable management of healthy deer populations and the maintenance of continued hunting opportunities.

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 and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate archery deer hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to archery deer tag allocations are consistent with Sections 360, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

REGULATORY TEXT

Section 361 is amended to read:

§361. Archery Deer Hunting.

. . . *[No changes in subsection (a)]*

(b) Archery Hunting With Area-specific Archery Tags. Deer may be taken only with archery equipment specified in Section 354, only during the archery seasons as follows:

(1) A-1 (C Zones Archery Only Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 4,945 [0 - 3,000] A-1 (C Zones Archery Only Hunt) tags are valid in Zones C-1, C-2, C-3, and C-4 only during the archery season as specified above in subsections 361(b)(1)(B)1 through 4.

(2) A-3 (Zone X-1 Archery Hunt)

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 400 [0 - 1,000].

(3) A-4 (Zone X-2 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 40 [0 - 100].

(4) A-5 (Zone X-3a Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 40 [0 - 300].

(5) A-6 (Zone X-3b Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 70 [0 - 400].

(6) A-7 (Zone X-4 Archery Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~120~~ [0 - 400].

(7) A-8 (Zone X-5a Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~15~~ [0 - 100].

(8) A-9 (Zone X-5b Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~5~~ [0 - 100].

(9) A-11 (Zone X-6a Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~50~~ [0 - 200].

(10) A-12 (Zone X-6b Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~90~~ [0 - 200].

(11) A-13 (Zone X-7a Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~45~~ [0 - 200].

(12) A-14 (Zone X-7b Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~25~~ [0 - 100].

(13) A-15 (Zone X-8 Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~40~~ [0 - 100].

(14) A-16 (Zone X-9a Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~440~~ [0 - 500].

(15) A-17 (Zone X-9b Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~300~~ [0 - 500].

(16) A-18 (Zone X-9c Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~350~~ [0 - 500].

(17) A-19 (Zone X-10 Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~400~~ [0 - 200].

(18) A-20 (Zone X-12 Archery Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~400~~ [0 - 500].

(19) A-21 (Anderson Flat Archery Buck Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~25~~ [0 - 100].

(20) A-22 (San Diego Archery Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~4,000~~ [0 - 1,500].

(21) A-24 (Monterey Archery Either-Sex Deer Hunt).

. . . [No changes to subsections (A) through (C)]

(D) Number of Tags: ~~400~~ [0 - 200].

(22) A-25 (Lake Sonoma Archery Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~35~~ [0 - 75].

. . . *[No changes to subsection (E)]*

(23) A-26 (Bass Hill Archery Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~30~~ [0 - 100].

(24) A-27 (Devil's Garden Archery Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~5~~ [0 - 75].

(25) A-30 (Covelo Archery Buck Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: 40 [0 - 100].

(26) A-31 (Los Angeles Archery Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (B)]*

(C) Bag and Possession Limit: One either-sex deer (see subsection 351-~~(b)~~ (c)) per tag.

(D) Number of Tags: ~~1,000~~ [0 - 1,500].

(27) A-32 (Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt).

. . . *[No changes to subsections (A) through (C)]*

(D) Number of Tags: ~~250~~ [0 - 300].

(28) A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt).

. . . *[No changes to subsection (A)]*

(B) Season: The season for hunt A-33 (Fort Hunter Liggett Late Season Archery Either Sex Deer Hunt) shall be open beginning the first Saturday in October and continuing through November ~~11~~12, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

. . . *[No changes to subsections (C) and (D)]*

Note: Authority cited: Sections 200, 202, 203, 220 and 4370, Fish and Game Code.
Reference: Sections 200, 202, 203, 203.1, 207 and 4370, Fish and Game Code.

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

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

Date of Initial Statement of Reasons: September 21, 2016

II. Dates and Locations of Scheduled Hearings:

- | | | |
|--------------------------|-----------|------------------|
| (a) Notice Hearing: | Date: | December 8, 2016 |
| | Location: | San Diego, CA |
| (b) Discussion Hearings: | Date: | February 8, 2017 |
| | Location: | Rohnert Park, CA |
| (c) Adoption Hearing: | Date: | April 26, 2017 |
| | Location: | Van Nuys, 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:

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for hunts need to be adjusted annually. Current regulations specify the number of bighorn sheep hunting tags for the 2016 season. This proposed regulatory action will amend subsection 362(d) providing the number of tags for bighorn sheep hunting in 2017.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 362(d) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017 adoption hearing.

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. The Department is currently implementing aerial surveys. 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. The Department's research indicates that aerial surveys do not detect all mature rams present.

The Department's recommendations to the Commission will be 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 2017 season in that unit.
- If no substantial reduction in population is determined in the estimate of the population, then tag quotas for 2017 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).

(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 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

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

Fish and Game Commission's Wildlife Resources Committee meeting held on September 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were 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 the 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 2011 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. The proposed quotas are to allow for the continuation of limited hunting activity by sustaining Bighorn Sheep populations. The number of tags issued is so limited in number and in the area over which the hunts occur, that these regulatory actions will be 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 proposed action affects a small number of hunting tags over a limited area and will not have any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California and does not affect worker safety.

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.

(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.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the last bighorn sheep season. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved management plans to preserve herd health and hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity are anticipated.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

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.

- (e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST (Policy Statement Overview)

The current regulation in Section 362, T14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed amendments are intended to adjust the number of hunting tags for the 2017 season based on the Department's annual estimate of the population in each of the nine hunt zones. The Department's final recommendations will ensure that the take will be no more than 15 percent of the mature rams estimated in each zone in accordance with Fish and Game Code Section 4902.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 362(d) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017 adoption hearing.

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. Adjusting tag allocations in response to current herd conditions contributes to the sustainable management of healthy bighorn sheep populations and the maintenance of continued hunting opportunities.

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 and Compatibility with State 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.

REGULATORY TEXT

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

§ 362. Nelson Bighorn Sheep.

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

(d) Number of License Tags:

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Tag Allocation</i>
Zone 1 - Marble/Clipper Mountains	3 [0-4]
Zone 2 - Kelso Peak/Old Dad Mountains	4 [0-4]
Zone 3 - Clark/Kingston Mountain Ranges	2 [0-2]
Zone 4 - Orocopia Mountains	4 [0-2]
Zone 5 - San Gorgonio Wilderness	2 [0-3]
Zone 6 - Sheep Hole Mountains	0 [0-2]
Zone 7 - White Mountains	3 [0-5]
Zone 8 - South Bristol Mountains	4 [0-3]
Zone 9 - Cady Mountains	4 [0-4]
Open Zone Fund-Raising Tag	4 [0-1]
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	0 [0-1]
Kelso Peak/Old Dad Mountains Fund-Raising Tag	4 [0-1]
Total:	49 [0-32]

[No changes to subsection (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.

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

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

I. Date of Initial Statement of Reasons: September 21, 2016

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 8, 2016
 Location: San Diego, CA

(b) Discussion Hearings: Date: February 8, 2017
 Location: Rohnert Park, CA

(c) Adoption Hearing: Date: April 26, 2017
 Location: Van Nuys, 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

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2016 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2017.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017 adoption hearing.

Ranges are necessary because final quotas cannot be determined until survey data is analyzed. Winter surveys are scheduled for January 2016. Analysis of survey results will be completed by March 2017. Final tag quotas will allow for a biologically appropriate harvest of bucks and does in the population and will achieve/maintain buck ratios at or above minimum levels specified in appropriate management plans. Administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive

proposed changes to existing regulations prior to the time winter pronghorn antelope surveys are completed. Final tag quotas for each zone will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

2. Minor Editorial Changes

Minor editorial changes are also proposed for consistency in subsection numbering, spelling, grammar, and clarity.

(b) Authority and Reference:

Authority: Fish and Game Code sections 219, 220, 331, 1050 and 10502.

Reference: Fish and Game Code Sections 331, 713, 1050, 10500 and 10502.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

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

Pronghorn Antelope Hunting, Final Environmental Document, 2004.

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

Fish and Game Commission's Wildlife Resources Committee meeting held on September 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

No alternatives were identified. Pronghorn antelope license tag quotas must be changed periodically in response to a variety of biological and environmental conditions.

2. Minor Editorial Changes

No alternatives were identified.

(b) No Change Alternative:

1. Number of Tags

The no change alternative was considered and rejected because it would not attain project objectives of maintaining pronghorn antelope populations within desired population objectives while providing for hunting opportunities. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify minimum desired buck to doe ratios which are attained/maintained in part by modifying tag quotas on an annual basis. The no change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

2. Minor Editorial Changes

The no change alternative was considered and rejected because it would not attain consistency in regulations.

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

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas for existing hunts. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business. The proposed regulations are to allow for the continuation of limited hunting activity by sustaining Pronghorn Antelope populations.

(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. Considering the small number of tags issued 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 proposed action affects a small number of hunting tags over a limited area and will not have any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California and does not affect worker safety.

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.

- (c) Cost Impacts on Private Persons.

The agency 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 District: 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.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the last pronghorn antelope season. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved management plans to preserve herd health and hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity are anticipated.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

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.

- (e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST (Policy Statement Overview)

Amend Section 363, Pronghorn Antelope, Title 14, California Code of Regulations (CCR).

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for Pronghorn Antelope hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2016 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2017.

Preliminarily, the tag numbers are presented as ranges (e.g., [0-3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 26, 2017, adoption hearing.

Other minor changes to the regulatory text to reduce redundancy, improve accuracy and clarity are proposed.

Benefits of the regulations

The management plans specify objective levels for the herds. These levels 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. Adjusting tag allocations in response to current herd conditions contributes to the sustainable management of healthy pronghorn antelope populations and the maintenance of continued hunting opportunities.

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 and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate pronghorn antelope hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to pronghorn antelope 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.

REGULATORY TEXT

Section 363 is amended to read:

§ 363. Pronghorn Antelope.

The Lava Beds National Monument and Federal and State Game Refuges lying within the 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.

... [No changes to subsections 363(a)(1) through 363(l)(7)]

(m) Pronghorn Antelope Tag Allocations Table.

2016 2017 Pronghorn Antelope Tag Allocations						
Hunt Area	Archery-Only Season		General Season			
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 - Mount Dome	0 [0-10]	0 [0-3]	2 [0-60]	0 [0-20]	0	0
Zone 2 - Clear Lake	4 [0-10]	0 [0-3]	15 [0-80]	0 [0-25]	0	0
Zone 3 - Likely Tables	15 [0-20]	0 [0-7]	45 [0-150]	0 [0-50]	45 [0-130]	0 [0-50]
Zone 4 – Lassen	10 [0-20]	0 [0-7]	45 [0-150]	0 [0-50]	45 [0-130]	0 [0-50]
Zone 5 - Big Valley	4 [0-15]	0 [0-5]	20 [0-150]	0 [0-50]	0	0
Zone 6 - Surprise Valley	4 [0-10]	0	10 [0-25]	0 [0-7]	0	0
Likely Tables Apprentice Hunt	N/A		5 [0-15] Either Sex		0	
Lassen Apprentice Hunt	N/A		5 [0-15] Either Sex		0	

Big Valley Apprentice Hunt	N/A	4 <u>[0-4]</u> Either Sex	0
Surprise Valley Apprentice Hunt	N/A	-4 <u>[0-5]</u> Either Sex	0
Fund-Raising Hunt	N/A	≥ <u>[0-10]</u> Buck	

Note: Authority cited: Sections 219, 220, 331, 1050, Fish and Game Code. Reference: Sections 331, 713, and 1050, Fish and Game Code.

in response to dynamic environmental and biological conditions. Current regulations in Section 364 specify elk license tag quotas for each hunt zone in accordance with management goals and objectives.

The amendments to Section 364 will establish new tag quotas to adjust for periodic fluctuations in elk population numbers. The proposed tag quotas are expressed as ranges [shown in brackets] in the tables of the amended Regulatory Text (subsections 364 (r) through (aa)) attached to this ISOR. The quotas are expressed in ranges because the final number of tags cannot be determined until survey and harvest data from the 2016-17 hunt season are analyzed and the results are available in the spring of 2017. The final number of tags allocated to each hunt will be recommended to the Commission at the adoption hearing on April 26, 2017.

3. Modify Season Dates: Fort Hunter Liggett Tule Elk and Northeastern Rocky Mountain Elk:

Due to military use constraints at Fort Hunter Liggett, hunt dates are subject to change from year to year and may be changed or cancelled by the base commander.

The proposal modifies season dates for the Northeastern antlerless elk hunts. Modifying season dates and tag distribution allows flexibility in hunter effort which will help achieve harvest goals for this zone. The antlerless hunt in the Northeast California Rocky Mountain Elk zone occurs during the same season as the hunt for bulls. Hunts for bull elk and antlerless elk occurring simultaneously in the same area can result in potential conflicts between hunters for access to animals and reduced hunter satisfaction. Competition between elk hunters can be reduced by moving the antlerless elk season later in the year.

4. Minor Editorial Changes:

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332 and 1050.
Reference: Fish and Game Code sections 332 and 1050.

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

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

2010 Final Environmental Document Regarding Elk Hunting

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

Fish and Game Commission's Wildlife Resources Committee meeting held on September 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Modify Existing Hunt Area:

No alternatives were identified for establishing the proposed Goodale Hunt zone. Distributing hunting pressure between the Independence and Goodale zones allows the Department to manage elk more effectively.

2. Number of Tags:

No alternatives were identified. Elk license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure and overwinter survival rates.

3. Modify Season Dates and Tag Distribution: Fort Hunter Liggett tule elk and Northeastern Rocky Mountain Elk:

No alternatives were identified for the Fort Hunter Liggett Tule Elk Hunt season date and tag distribution modifications. Access is entirely controlled by Fort Hunter Liggett and the new dates and tag distribution are the only option that accommodates military operations while still providing hunter opportunity.

No alternatives were identified for modifying the season dates of the Northeastern Rocky Mountain antlerless elk season. Modifying season dates will provide greater hunter satisfaction and will result in the desired harvest level.

4. Minor Editorial Changes:

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Elk populations have

increased and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the hunt zones.

(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 number of tags that will be issued from the newly proposed tag ranges will result in a harvest that is at or below the harvest analyzed in the 2010 Final Environmental Document Regarding Elk hunting.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas, modifies existing hunt zones, and modifies season dates in order to meet management goals and provide hunting opportunities for the public. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen 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 tags issued 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 proposed action will not have any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California and does not affect worker safety.

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.

(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 this 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.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the 2016 elk season. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved management plans and environmental documents to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

(a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

(b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will benefit 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 and the action contributes to the sustainable management of natural resources.

- (e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations in Section 364, Title 14, CCR, specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish 2017 tag quotas within each hunt area, adjusting for annual fluctuations in population number, season dates, and tag distribution.

The complete amended text is found in the amended Regulatory Text of Section 364 with the Initial Statement of Reasons.

Proposed Amendments:

1. Establish the Goodale Tule Elk Hunt in the western part of the Independence zone. The Department is recommending adding a new subsection 364(d)(10)(A) establishing a Goodale General Methods Tule Elk Hunt.
2. In order to achieve appropriate harvest levels and maintain hunting quality, it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Subsections 364(r) through (aa) specify elk license tag quotas for each hunt in accordance with management goals and objectives.
3. Modify Season Dates. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of individual hunts and the number of days of hunting. The proposed table sets forth the recommended days for each hunt.
4. Minor Editorial Changes are proposed to improve clarity and reduce redundancy.

Benefits of the regulations

The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in 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 annual harvest and herd composition counts.

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 and Compatibility with State Regulations

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

REGULATORY TEXT

Section 364 is amended to read as follows:

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

. . . [*No changes subsections (a) through (d)(9)]*

(10) Goodale General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Onion Valley Road; west along Onion Valley Road to the intersection of the Section 25 Township 13S, Range 33E; south along the eastern boundary of Section 25 Township 13S, Range 33E to the southern boundary of Section 25 Township 13S, Range 33E; west along the southern boundary of sections 27, 26, 25 Township 13S, Range 33E to the Inyo County line; North along the Inyo County Line to Taboose Creek; east along Taboose Creek to the intersection of Highway 395; south along Highway 395 to the point of beginning.

~~(40)~~ (11) Grizzly Island General Methods Tule Elk Hunt:

(A) Area: Those lands owned and managed by the Department of Fish and Game as the Grizzly Island Wildlife Area.

(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 after receipt of their elk license tags.

~~(44)~~ (12) Fort Hunter Liggett General Public General Methods Tule Elk Hunt:

(A) Area: That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.

(B) Fort Hunter Liggett Special Conditions: See subsection 364(p).

~~(42)~~ (13) East Park Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Glenn and Colusa counties within a line beginning in Glenn County at the junction of Interstate Highway 5 and Highway 162 at Willows; west along 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 along Goat Mountain Road to the Lodoga-Stonyford Road; east along the Lodoga-Stonyford Road to the Sites-Lodoga Road at Lodoga; east along the Sites-Lodoga Road to the Maxwell-Sites Road at Sites; east along the Maxwell-Sites Road to Interstate Highway 5 at Maxwell; north along Interstate Highway 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 variance has been requested to allow use of muzzleloaders (as defined in Section 353) on Bureau of Reclamation land within the hunt zone.

~~(43)~~ (14) San Luis Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Merced, Fresno, San Benito, and Santa Clara counties within a line beginning in Merced County at the junction of Highway 152 and Interstate 5 near the town of Santa Nella, west along Highway 152 to Highway 156 in Santa Clara County, southwest along Highway 156 to Highway 25 near the town of Hollister in San Benito County, south along Highway 25 to the town of Paicine, south and east along J1 to Little Panoche Road, North and east along Little Panoche Road to Interstate 5 in Fresno County, north along Interstate 5 to the point of beginning.

~~(44)~~ (15) Bear Valley General Methods Tule Elk Hunt:

(A) Area: in those portions of Colusa, Lake, and Yolo counties within a line beginning in Colusa County at the junction of Interstate Highway 5 and Maxwell Sites Road at Maxwell; west along Maxwell Sites Road to the Sites Lodoga Road; west along the Sites Lodoga Road to Lodoga Stonyford Road; west along Lodoga Stonyford Road to Goat Mountain Road; west and south along Goat Mountain Road to the Colusa-Lake County line; south and west along the Colusa-Lake County line to Forest Route M5; south along Forest Route M5 to Bartlett Springs Road; east along Bartlett Springs Road to Highway 20; east on Highway 20 to the fork of Cache Creek; north on the north fork of Cache Creek to Indian Valley Reservoir to Walker Ridge-Indian Valley Reservoir Access Road; east on Walker Ridge-Indian Valley Reservoir Access Road to Walker Ridge Road; south on Walker Ridge Road to Highway 20; east on Highway 20 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 Highway 5; north on Interstate Highway 5 to the point of beginning.

~~(45)~~ (16) Lake Pillsbury General Methods Tule Elk Hunt:

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

~~(46)~~ (17) Santa Clara General Methods Tule Elk Hunt:

(A) Area: Those portions of Merced, Santa Clara, and Stanislaus Counties within the following line: beginning at the intersection of the Interstate 5 and the San Joaquin/Stanislaus County line; southeast along Interstate 5 to the intersection of Highway 152; west along Highway 152 to the intersection of Highway 101 near the town of Gilroy; north along Highway 101 to the intersection of Interstate 680 near San Jose; north along Interstate 680 to the intersection of the Alameda/Santa Clara County line; east along the Alameda/Santa Clara County line to the intersection of the San Joaquin, Stanislaus, Alameda, Santa Clara County lines; northeast along the San Joaquin/Stanislaus County line to the point of beginning.

~~(47)~~ (18) Alameda General Methods Tule Elk Hunt:

(A) Area: Those portions of Alameda and San Joaquin Counties within the following line: beginning at the intersection of the Interstate 5 and the San Joaquin/Stanislaus County line; southwest along the San Joaquin/Stanislaus County line to the intersection

of the San Joaquin, Stanislaus, Alameda, Santa Clara County lines; west along the Alameda/Santa Clara County Line to the intersection of Interstate 680; north along Interstate 680 to the intersection of Interstate 580; east and south along Interstate 580 to the intersection of Interstate 5; south along Interstate 5 to the point of beginning.

. . . [*No changes subsections (e) through (e)(5)*]

(6) Grizzly Island General Methods Tule Elk Apprentice Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)~~(10)~~(11)(A).

(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. Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

(7) Fort Hunter Liggett General Methods General Public Tule Elk Apprentice Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).

(B) Special Conditions: See subsection 364(p).

(C) Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

(f) Department Administered Archery Only Elk Hunts:

(1) Northeastern California Archery Only Rocky Mountain Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).

(B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.

(2) Owens Valley Multiple Zone Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in areas described in subsections 364(d)(3)(A), (d)(4)(A) ~~and (d)(5)(A), and (d)(10)(A).~~

(B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.

(3) Lone Pine Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).

(B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.

(4) Tinemaha Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).

(B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.

(5) Whitney Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).

(B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.

(6) Fort Hunter Liggett General Public Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).

(B) Special Conditions: See subsection 364(p).

- (C) Elk may be taken with Archery Equipment only as specified in Section 354.
- (g) Department Administered Muzzleloader Only Elk Hunts:
 - (1) Bishop Muzzleloader Only Tule Elk Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).
 - (B) Special Conditions: Elk may be taken with muzzleloader equipment only as specified in Section 353.
 - (2) Independence Muzzleloader Only Tule Elk Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).
 - (B) Special Conditions: Elk may be taken with muzzleloader equipment only as specified in Section 353.
 - (3) Fort Hunter Liggett General Public Muzzleloader Only Tule Elk Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).
 - (B) Special Conditions: See subsection 364(p).
- (C) Elk may be taken with Muzzleloader Equipment only as specified in Section 353.
- (h) Department Administered Muzzleloader/Archery Only Roosevelt Elk Hunts:
 - (1) Marble Mountains Muzzleloader/Archery Only Roosevelt Elk Hunt.
 - (A) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).
 - (B) Special Conditions: Elk may be taken with archery or muzzleloader equipment only as specified in Sections 353 and 354.
 - (i) Fund Raising Elk Hunts:
 - (1) Multi-zone Fund Raising Elk Hunt.
 - (A) Area: The tag shall be valid in the areas described in subsections 364(a)(1)(A), (a)(2)(A), (a)(3)(A), (b)(1)(A), and (d)(2)(A).
 - (2) Grizzly Island Fund Raising Tule Elk Hunt.
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)~~(10)~~(11)(A).
 - (B) Special Conditions: Advance reservations required by contacting the Grizzly Island Wildlife Area by telephone at (707) 425-3828.
 - (3) Owens Valley Fund Raising Tule Elk Hunt.
 - (A) Area: The tag shall be valid in areas described in subsections 364(d)(3)(A), (d)(4)(A), (d)(5)(A), (d)(6)(A), (d)(7)(A), (d)(8)(A), ~~and (d)(9)(A), and (d)(10)(A).~~
 - (j) Military Only Elk Hunts. These hunts are sponsored and tag quotas are set by the Department. The tags are assigned and the hunts are administered by the Department of Defense.
 - (1) Fort Hunter Liggett Military Only General Methods Tule Elk Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).
 - (B) Special Conditions: See subsection 364(p).
 - (2) Fort Hunter Liggett Military Only General Methods Tule Elk Apprentice Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).
 - (B) Special Conditions: See subsection 364(p).
 - (C) Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.
 - (3) Fort Hunter Liggett Military Only Archery Only Tule Elk Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).
 - (B) Special Conditions: See subsection 364(p).
 - (C) Elk may be taken with Archery Equipment only as specified in Section 354.
 - (4) Fort Hunter Liggett Military Only Muzzleloader Only Tule Elk Hunt:
 - (A) Area: The tag shall be valid in the area described in subsection 364(d)~~(11)~~(12)(A).

(B) Special Conditions: See subsection 364(p).

... [No changes subsections (k) through (q)]

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(r) Department Administered General Methods Roosevelt Elk Hunts					
(1)(A)	Siskiyou	20 [0-30]	20 [0-30]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	15 [0-15]	0 [0-10]	0 [0-10]	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	35 [0-70]	40 [0-30]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(s) Department Administered General Methods Rocky Mountain Elk Hunts					
(1)(A)	Northeastern California Bull	15 [0-30]	40		
		The <u>bull</u> season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(B)	<u>Northeastern California Antlerless</u>		[0-10]		
		<u>The antlerless season shall open on the second Wednesday in November and continue for 12 consecutive days.</u>			
(t) Department Administered General Methods Roosevelt/Tule Elk Hunts					
(1)(A)	Mendocino	2 [0-4]	0 [0-4]		
		The season shall open on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days.			
(u) Department Administered General Methods Tule Elk Hunts					
(1)(A)	Cache Creek Bull	2 [0-4]			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(B)	Antlerless		2 [0-4]		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			
(2)(A)	La Panza Period 1	6 [0-12]	5 [0-10]		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	Period 2	6 [0-12]	6 [0-12]		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	Bishop Period 3	0 [0-10]	0 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	Period 4	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	Independence Period 2	4 [0-10]	4 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0 [0-10]	4 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(5)(A)	Lone Pine Period 2	2 [0-10]	0 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	4 [0-10]	0 [0-30]		

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0 [0-10]	4 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(6)(A)	Tinemaha Period 2	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0 [0-10]	0 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(7)(A)	West Tinemaha Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0 [0-10]	0 [0-30]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(8)(A)	Tinemaha Mountain	0 [0-8]			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
	Period 1	Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	0 [0-8]			
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	0 [0-8]			
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	Period 4	0 [0-8]			
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	0 [0-8]			
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(9)(A)	Whitney Period 2	0 [0-4]	0 [0-10]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	0 [0-4]	0 [0-10]		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(C)	Period 4	0 [0-4]	0 [0-10]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	0 [0-4]	0 [0-10]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10)(A)	<u>Goodale Period 1</u>	[0-10]	[0-30]		
		<u>Shall open on the second Saturday in September and extend for 16 consecutive days.</u>			
(B)	<u>Period 2</u>	[0-10]	[0-30]		
		<u>Shall open on the first Saturday in October and extend for 9 consecutive days.</u>			
(C)	<u>Period 3</u>	[0-10]	[0-30]		
		<u>Shall open on the third Saturday in October and extend for 9 consecutive days</u>			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(D)	Period 4	[0-10]	[0-30]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	[0-10]	[0-30]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10) (A) (11)(A)	Grizzly Island Period 1	0 [0-3]	6 [0-12]		0 [0-6]
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	Period 2	0 [0-3]	2 [0-12]		2 [0-6]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3	0 [0-3]	6 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	Period 4	0 [0-3]	2 [0-12]		2 [0-6]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(E)	Period 5	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	Period 6	0 [0-3]	0 [0-12]		0 [0-6]
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	Period 7	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	Period 8	0 [0-3]	0 [0-12]		6 [0-6]
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	Period 9	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			
(J)	Period 10	3 [0-3]	0 [0-12]		0 [0-6]

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(K)	Period 11	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			
(L)	Period 12	2 [0-3]	0 [0-12]		2 [0-6]
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	Period 13	0 [0-3]	8 [0-12]		0 [0-6]
		Shall open on the first Tuesday following the opening of period twelve and continue for 4 consecutive days.			
(11)(A) <u>(12)(A)</u>	Fort Hunter Liggett General Public Period 1	0	4 [0-16]		
Shall open on the first Thursday in November and continue for 9 consecutive days.					
(B)	Period 2	0	4 [0-16]		
		Shall open November 22 and continue for 9 consecutive days.			
(C)	Period 3	4 [0-14]	0		
		Shall open on the third Saturday in December and continue for 16 consecutive days.			
(12)(A) <u>(13)(A)</u>	East Park Reservoir	2 [0-4]	2 [0-8]		
Shall open the first Saturday in September and continue for 27 consecutive days.					
(13)(A) <u>(14)(A)</u>	San Luis Reservoir	0 [0-10]	0 [0-10]	5 [0-10]	
Shall open on the first Saturday in October and continue for 23 consecutive days.					
(14)(A) <u>(15)(A)</u>	Bear Valley	2 [0-4]	4 [0-2]		
Shall open on the second Saturday in October and continue for 9 consecutive days.					
(15)(A) <u>(16)(A)</u>	Lake Pillsbury Period 1		4 [0-4]		
Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.					
(B)	Period 2	2 [0-4]			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(16) (A) (17)(A)	Santa Clara	0 [0-4]	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(17) (A) (18)(A)	Alameda	0 [0-4]	0		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(v) Department Administered Apprentice Hunts					
(1)(A)	Marble Mountain General Methods Roosevelt Elk Apprentice			2 [0-4]	
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northeast California General Methods Rocky Mountain Elk Apprentice			2 [0-4]	
		Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(3)(A)	Cache Creek General Methods Tule Elk Apprentice	4 [0-2]	0 [0-2]		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(4)(A)	La Panza General Methods Tule Elk Apprentice	0 [0-2]	4 [0-2]		
		Shall open on the second Saturday in October and extend for 23 consecutive days.			
(5)(A)	Bishop General Methods Tule Elk Apprentice Period 2	0 [0-10]	0 [0-30]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(6)(A)	Grizzly Island General Methods Tule Elk Apprentice Period 1		2 [0-4]		0 [0-4]
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		0 [0-4]		2 [0-4]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		2 [0-4]		0 [0-4]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(D)	Period 4		0 [0-4]		2 [0-4]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(7)(A)	Fort Hunter Liggett General Public General Methods Apprentice	4 [0-2]	4 [0-8]		
		Shall open on the third Saturday in December and continue for 16 consecutive days.			
(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast California Archery Only	0	0	40 [0-20]	
		Shall open on the Wednesday preceding the first Saturday in September and continue for 12 consecutive days.			
(2)(A)	Owens Valley Multiple Zone Archery Only	3 [0-10]	0 [0-5]		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Lone Pine Archery Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Tinemaha Archery Only Period 1	4 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A)	Whitney Archery Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(6)(A)	Fort Hunter Liggett General Public Archery Only Either Sex			2 [0-10]	
		Shall open on the last Wednesday in July and continue for 9 consecutive days.			
(B)	Fort Hunter Liggett General Public Archery Only Antlerless		-4 [0-10]		
		Shall open on the last Wednesday in September and continue for 9 consecutive days. <u>Shall open on the Tuesday preceding the fourth Thursday in November and continue for 9 consecutive days.</u>			
(x) Department Administered Muzzleloader Only Tule Elk Hunts					
(1)(A)	Bishop Muzzleloader Only Period 1	0 [0-10]	0 [0-30]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(2)(A)	Independence Muzzleloader Only Period 1	4 [0-10]	0 [0-10]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	<u>Goodale Muzzleloader Only Period 1</u>	[0-10]	[0-10]		
		<u>Shall open on the second Saturday in September and extend for 16 consecutive days.</u>			
(3)(A) (4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	0 [0-10]	0 [0-10]		
Shall open on the second Saturday in October and continue for 12 consecutive days. Shall open on the third Saturday in December and continue for 17 consecutive days.					
(y) Department Administered Muzzleloader/Archery Only Hunts					
(1)(A)	Marble Mountain Muzzleloader/Archery Roosevelt Elk			5 [0-20]	
		Shall open on the last Saturday in October and extend or 9 consecutive days.			
(z) Fund Raising Elk Tags					
(1)(A)	Multi-zone Fund Raising Tags	1			
		Siskiyou and Marble Mountains Roosevelt Elk Season shall open on the Wednesday preceding the first Saturday in September and continue for 19 consecutive days. Northwestern Roosevelt Elk Season shall open on the last Wednesday in August and continue for 30 consecutive days. Northeastern Rocky Mountain Elk Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days. La Panza Tule Elk Season shall open on the first Saturday in October and extend for 65 consecutive days.			
(2)(A)	Grizzly Island Fund Raising Tags	1			
		Shall open on the first Saturday in August and continue for 30 consecutive days.			
(3)(A)	Owens Valley Fund Raising Tags	1			
		Shall open on the last Saturday in July and extend for 30 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(aa) Military Only Tule Elk Hunts					
(1)(A)	Fort Hunter Liggett Military Only General Methods Early Season	2 [0-2]	4 [0-2]		
		The early season shall open on the second Monday in August and continue for 5 consecutive days and reopen on the fourth Monday in August and continue for 5 consecutive days.			
(B)	Period 1		-4 [0-16]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		-4 [0-14]		
		Shall open November 22 and continue for 9 consecutive days.			
(D)	Period 3	-4 [0-14]			
		Shall open on the third Saturday in December and continue for 16 consecutive days			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	4 [0-2]	4 [0-8]		
		Shall open on the third Saturday in December and continue for 16 consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either sex			2 [0-6]	
		Shall open on the last Wednesday in July and continue for 9 consecutive days			
(B)	Antlerless		-4 [0-10]		
		Shall open on the last Wednesday in September and continue for 9 consecutive days.			
(4)(A)	Fort Hunter Liggett Military Only Muzzleloader Only	0 [0-6]			
		Shall open on the second Saturday in October and continue for 12 consecutive days. <u>Shall open on the third Saturday in December and continue for 17 consecutive days.</u>			

Note: Authority cited: Sections 200, 202, 203, 332 and 1050, Fish and Game Code.
Reference: Sections 332 and 1050, Fish and Game Code.

environmental and biological conditions. Current regulations in Section 364.1 specify elk license tag quotas for each hunt in accordance with management goals and objectives.

The amendments to Section 364.1 will establish new tag quotas to adjust for periodic fluctuations in elk population numbers. The proposed tag allocations are expressed as ranges [shown in brackets] in the tables of the amended Regulatory Text (subsections 364.1 (i) through (l)) attached to this ISOR. The quotas are expressed as ranges because the final number of tags cannot be determined until survey of the herds and harvest data from the 2016-17 hunt season are analyzed and the results are available in the spring of 2017. The final number of tags allocated to each zone will be recommended to the Commission at the adoption hearing on April 26, 2017.

The SHARE private property elk hunts correspond with elk hunts identified in Section 364. These regulations authorize SHARE elk hunts with separate seasons and tag quotas. Tag issuance will be through the SHARE program utilizing the department's existing tag distribution procedures.

The proposed ranges of elk tags for 2017 are presented in the Regulatory Text of Section 364.1.

3. Minor Editorial Changes:

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332 and 1050.
Reference: Fish and Game Code sections 332 and 1050.

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

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

Final Environmental Document Regarding Elk Hunting dated April 21, 2010

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

Fish and Game Commission's Wildlife Resources Committee meeting held on September 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified. Elk license tag quotas for the SHARE program must be adjusted periodically in response to a variety of environmental and biological conditions, including forage availability, population structure, overwinter survival rates, and landowner interest.

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions, including forage availability, population structure, and over-winter survival rates. Elk populations have increased and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the hunt zones.

(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 number of tags that will be issued from the newly proposed tag range will result in a harvest that is at or below the harvest analyzed in the Final Environmental Document Regarding Elk Hunting dated April 21, 2010.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas in an effort to meet management goals and provide hunting opportunities for the public. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen 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 tags issued 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 proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a significant change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

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.

- (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 this 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.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the 2016 elk season. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved management plans and environmental documents to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The cumulative effects of the changes throughout the Elk SHARE program are estimated to be neutral to job elimination and potentially positive to job

creation in California. No significant changes are expected as a direct result of the proposed regulation changes.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The cumulative effects of the proposed amendments in various areas of the State are expected to be neutral to positive to the creation or elimination of businesses in California. There are no significant changes in the Elk SHARE program to businesses as a direct result of the proposed regulation changes.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The cumulative effects of the proposed amendments in various areas of the State are expected to be neutral to positive with respect to the expansion of businesses currently doing business in California. There are no significant changes in the Elk SHARE program to businesses as a direct result of the proposed regulation changes.

- (d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will benefit 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 and the action contributes to the sustainable management of natural resources.

- (e) 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

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations in Section 364.1, Title 14, CCR, specify elk license tag quotas for each SHARE hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental and biological conditions. The proposed amendments to Section 364.1 will establish 2017 tag quotas within each hunt adjusting for annual fluctuations in population number, season dates, and tag distribution.

1. **Modify SHARE Hunt.** The Department is recommending establishing a new Goodale SHARE hunt in subsection 364(1)(10).
2. **Modify Tag Quotas.** In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Section 364 regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives.

Other minor editorial changes and renumbering have also been made.

The complete Table and text is found in the attached proposed Regulatory Text of Section 364.1.

Benefits of the regulations

The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in 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 annual harvest and herd composition counts in accordance with management goals and objectives.

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 and Compatibility with State Regulations

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

REGULATORY TEXT

Section 364.1 is amended to read:

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

... [No changes to subsections (a) through (h)]

§	(A) Hunts	1.	2.	3.	4.
		Bull Tags	Antlerless Tags	Either-Sex Tags	Spike Tags
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	Siskiyou	≥ [0-10]	≥ [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	Northwestern	7 [0-10]	13 [0-20]	0 [0-5]	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	Marble Mountain	0 [0-10]	0 [0-15]		
		(B) Area: 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					
(1)	Northeast California	0 [0-10]	0 [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino	≥ [0-4]	4 [0-4]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	4 [0-2]	4 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	5 [0-10]	10 [0-10]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			

§	(A) Hunts	1.	2.	3.	4.
		Bull Tags	Antlerless Tags	Either-Sex Tags	Spike Tags
		(B) Area			
(3)	Bishop	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).			
(4)	Independence	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			
(5)	Lone Pine Period 2	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).			
(6)	Tinemaha	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A).			
(7)	West Tinemaha	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(A).			
(8)	Tinemaha Mountain	0 [0-2]			
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(A).			
(9)	Whitney	0 [0-2]	0 [0-2]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A).			
<u>(10)</u>	<u>Goodale</u>	<u>[0-2]</u>	<u>[0-2]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A).</u>			
(10) <u>(11)</u>	Grizzly Island	0 [0-2]	0 [0-10]		0 [0-10]
		(B) Area: The tag shall be valid in the area described in subsection 364(d)- (10) <u>(11)</u> (A).			
(11) <u>(12)</u>	Fort Hunter Liggett	0 [0-4]	0 [0-4]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)- (11) <u>(12)</u> (A).			
(12) <u>(13)</u>	East Park Reservoir	2 [0-6]	4 [0-6]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d) (12) <u>(13)</u> (A).			

§	(A) Hunts	1.	2.	3.	4.
		Bull Tags	Antlerless Tags	Either-Sex Tags	Spike Tags
		(B) Area			
(13) <u>(14)</u>	San Luis Reservoir	2 <u>[0-5]</u>	3 <u>[0-5]</u>		
		(B) Area: The tag shall be valid in the area described in subsection 364(d) (13) <u>(14)</u> (A).			
(14) <u>(15)</u>	Bear Valley	4 <u>[0-2]</u>	4 <u>[0-2]</u>		
		(B) Area: The tag shall be valid in the area described in subsection 364(d) (14) <u>(15)</u> (A).			
(15) <u>(16)</u>	Lake Pillsbury	0 <u>[0-4]</u>	0 <u>[0-4]</u>		
		(B) Area: The tag shall be valid in the area described in subsection 364(d) (15) <u>(16)</u> (A).			
(16) <u>(17)</u>	Santa Clara	0 <u>[0-2]</u>			
		(B) Area: The tag shall be valid in the area described in subsection 364(d) (16) <u>(17)</u> (A).			
(17) <u>(18)</u>	Alameda	0 <u>[0-2]</u>			
		(B) Area: The tag shall be valid in the area described in subsection 364(d) (17) <u>(18)</u> (A).			

Note: Authority Cited: Sections 332 and 1050, Fish and Game Code. Reference: Sections 332, 1050 and 1574, Fish and Game Code.

Memorandum

Date: November 7, 2016

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

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Subject: **Agenda Item for the December 7-8, 2016 Fish and Game Commission Meeting; Request for Authorization to Publish Notice of the Commission's Intent to Amend Sections 360, 361, 362, 363, 364 and 364.1 RE: Big Game Hunting – Recommended Quotas and Seasons for 2017**

Attached are the Department of Fish and Wildlife's (Department's) proposals for the 2017-18 big game hunting quotas and seasons. Sections in Title 14, California Code of Regulations that would be affected include:

- 360b Deer X zones
- 360c Deer Additional Hunts
- 361 Archery Deer
- 362 Bighorn sheep
- 363 Antelope
- 364 Elk
- 364.1 Elk SHARE

(Note: no changes are proposed to Section 360(a), Deer zones A-D)

Annual tag quotas for big game species are indicated as ranges (e.g., [0-40]) from which the final 2017 recommendation will be made at the conclusion of population survey efforts next spring.

If you have any questions or need additional information, please contact Acting Wildlife Branch Chief, Rick Mayfield at (916) 445-3555 or by email at Rick.Mayfield@wildlife.ca.gov. The public notice should identify Environmental Program Manager, Craig Stowers as the Department's primary contact for this rulemaking. Mr. Stowers can be reached at (916) 445-3553 or by email at Craig.Stowers@wildlife.ca.gov.

Attachments

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November 7, 2016
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