

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 364
Title 14, California Code of Regulations
Re: Elk

- I. Date of Initial Statement of Reasons: January 4, 2009
- II. Date of Pre-adoption Statement of Reasons: March 20, 2009
- III. Date of Final Statement of Reasons: April 22, 2009
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 5, 2009
Location: Sacramento, California
 - (b) Discussion Hearing Date: March 4, 2009
Location: Woodland, California
 - (c) Discussion Hearing Date: April 9, 2009
Location: Lodi, California
 - (d) Adoption Hearing: Date: April 21, 2009
Location: Teleconference

V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

One letter was received on March 17, 2009 from Mike Post of the San Fernando Valley Chapter of the Rocky Mountain Elk Foundation. Mr. Post would like the apprentice La Panza bull elk tag period one to be changed to an antlerless tag. Issuing an antlerless tag instead of a bull tag for the La Panza Apprentice hunt is the Departments recommended proposal.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. 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.

2. Modify Season Dates: Fort Hunter Liggett Tule Elk Hunts

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

3. Modify Season Dates for East Park Reservoir Tule Elk Bull Hunt

No alternatives were identified for the East Park Reservoir Tule Elk Bull Hunt season date modification. Modifying the season dates to match those of the antlerless hunt in the same zone provides the most flexibility for hunters within the zone and allows a longer time period to harvest elk on private property.

4. Convert one Grizzly Island fund raising tag to a "Multi-Zone" fund raising tag valid in five elk zones.

No alternatives were identified for the conversion of a Grizzly Island fund raising tag. This alternative provides flexibility to the tag holder and fulfills a demand for this type of tag. This fund raising tag is similar to the deer "Open Zone" fund raising tags currently being offered.

(b) No change Alternative:

1. Number of Tags

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

2. Modify Season Dates: Fort Hunter Liggett Tule Elk Hunt

The no-change alternative was considered and rejected for the Fort Hunter Liggett tule elk hunt because not adjusting the dates is not acceptable to the military base. Military use has priority over the hunting program and the new dates meet the needs of the base while still providing the same hunter opportunity.

3. Modify Season Dates for East Park Reservoir Tule Elk Bull Hunt

The no-change alternative was considered and rejected for the East Park Reservoir tule elk hunt because current season dates do not facilitate the desired harvest of elk on private property.

4. Convert one Grizzly Island fund raising tag to be valid in five elk zones.

The no-change alternative was considered and rejected for this fund raising tag. The regulation change proposal diversifies elk hunting opportunities in other areas of the state without increasing the overall number of auction tags available.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following

determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the 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:

None

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

None

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

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

Updated Informative Digest/Policy Statement Overview

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett do not change the number of hunt days. The proposal slightly modifies the season dates for the period 3 bull hunt (including the apprentice hunt) from the fourth Saturday in December to the last Wednesday in December and the archery only either-sex hunt from the last Saturday in August to the first Thursday in September in order to accommodate military operations.

Existing regulation establish season dates for the East Park Reservoir tule elk hunts. The proposal for East Park Reservoir modifies the season dates for the bull elk hunt to match the dates for the antlerless elk hunts.

Existing regulation establishes the number of fund raising tags available. The proposal converts one Grizzly Island fund raising tag to be valid in five elk zones. The proposal diversifies elk hunting opportunities in other areas of the state without increasing the overall number of fund raising tags available.

Existing regulations specify elk license tag quotas for each hunt. It is necessary to adjust quotas periodically in response to dynamic environmental and biological conditions and to provide additional hunting opportunity, where warranted. The original proposal provided a series of tag ranges for the Commission to select and adopt.

The original proposal changed the number of license tags for the hunts to a series of ranges. The proposal is further modified to provide the final tag quota's based on updated harvest and population analysis contained in the "Data Supplement To The California Fish and Game Commission, Regarding: Recommended 2009 Elk Tag Allocations (Updated 2008 Elk Harvest and Population Estimates)". The number of tags proposed is intended to provide an appropriate level of elk hunting opportunity and harvest while achieving or maintaining management and population objectives. These final values for the license tag numbers are based upon findings from annual harvest and population surveys.

No other modifications to the original proposal were made. Pursuant to its April 21, 2009 meeting, the Fish and Game Commission adopted the above referenced changes and final tag quotas as proposed.

2009 Final Elk Tag Allocation

Hunt Name	Antlerless	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antlerless	Muzzle-loader either-sex	Archery Either-Sex	Archery Antlerless	Archery Bull
Roosevelt Elk										
Siskiyou	15	15								
Del Norte	10		5							
Marble Mountains		40								
Marble Mtn Apprentice		2								
Klamath	10		10							
Big Lagoon		10								
Northwestern California		20								
Rocky Mountain Elk										
Northeastern		15						10		
Northeastern Apprentice		2								
Tule Elk										
Cache Creek	2		2							
Cache Creek Apprentice			1							
La Panza										
Period 1	5		6							
Period 1 Apprentice	1									
Period 2	6		6							
Owens Valley										
Region wide								5		
Bishop										
Period 1 Muzzleloader					1	4				
Period 2 Apprentice	4									
Period 3	4		1							
Period 4	4									
Period 5	4									
Independence										
Period 1 Archery										1

2009 Final Elk Tag Allocation

Hunt Name	Antlerless	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antlerless	Muzzle-loader either-sex	Archery Either-Sex	Archery Antlerless	Archery Bull
Lone Pine										
Period 1 Muzzleloader					1	1				
Period 2	2		2							
Period 3	3									
Period 4	2		1							
Period 5	2									
Tinemaha & W. Tinemaha										
Period 1 Archery									6	1
Period 2	9									
Period 3	9		2							
Period 4	9									
Period 5	9		2							
Grizzly Island										
Period 1	2									
Period 1 Apprentice				1						
Period 2	2		2	1						
Period 3			1							
Fort Hunter Liggett										
Archery Only								3	5	
Period 1	7									
Period 1 Apprentice	2									
Period 2	8									
Period 3			7							
Period 3 Apprentice			1							
East Park Reservoir										
Period 1			2							
Period 3	4									
San Luis Reservoir		3								