

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

Amend Section 555
Title 14, California Code of Regulations (CCR)
Re: Cooperative Elk Hunting Areas

- I. Date of Initial Statement of Reasons: January 4, 2009

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 6, 2009
Location: Sacramento

 - (b) Discussion Hearings: Date: March 4, 2009
Location: Woodland

Date: April 9, 2009
Location: Lodi

 - (c) Adoption Hearing: Date: April 21, 2009 (Teleconference)
Location: Sacramento

- 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. Residency Requirements for Cooperative Elk Hunting Areas

Existing regulations specify that hunters who purchase an elk tag from a Cooperative Elk Hunting Area must be a resident of California. SB 1032 (Hollingsworth), signed by the Governor in September, 2006, eliminated the California residency requirement (beginning in 2007) for general season elk tag holders. California residency is also not required for the purchase of an elk tag under the Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands (PLM) Program or the Fund-Raising License Tag Program. To provide consistency among regulations, the proposed amendment eliminates the California residency requirements for hunters wishing to purchase an elk tag from a Cooperative Elk Hunting Area.

2. Editorial Changes

The proposed amendment makes a change to a sub-section reference for payment of tag fees. The new reference accurately identifies the correct sub-section for the fees.

(b) Authority and Reference:

Authority: Fish and Game Code sections 67, and 1575.

Reference: Fish and Game Code sections 67, and 1575.

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

None.

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

Final 2007 Environmental Document Regarding Elk Hunting.

Final 2008 Data Supplement Regarding Elk Hunting

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

The Department conducted a public scoping session in Sacramento on October 11, 2006. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Residency Requirements for Cooperative Elk Hunting Areas

No alternatives were identified. The proposed change is consistent with existing regulations.

2. Editorial Changes

There are no reasonable alternatives to the proposed changes.

(b) No Change Alternative:

1. Residency Requirements for Cooperative Elk Hunting Areas

The no-change alternative was considered and rejected because it would not be consistent with existing regulations regarding the sale of other elk tags.

2. Editorial Changes

The no-change alternative was considered and rejected because it would not result in clear and accurate regulations.

(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 as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action.

This proposed action allows non-residents to be eligible for cooperative elk tags. 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 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 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 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.

**INFORMATIVE DIGEST
(Policy Statement Overview)**

Existing regulations specify that hunters who purchase an elk tag from a Cooperative Elk Hunting Area must be a resident of California. SB 1032 (Hollingsworth), signed by the Governor in September, 2006, eliminated the California residency requirement (beginning in 2007) for general season elk tag holders. California residency is also not required for the purchase of an elk tag under the Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands (PLM) Program or the Fund-Raising License Tag Program. To provide consistency among regulations, the proposed amendment eliminates the California residency requirements for hunters wishing to purchase an elk tag from a Cooperative Elk Hunting Area.

The proposed amendment makes a change to a sub-section reference for payment of tag fees. The new reference accurately identifies the correct sub-section for the fees.

Section 555 is amended to read:

§ 555. Cooperative Elk Hunting Areas.

To encourage protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands, the department may establish cooperative elk hunting areas and issue license tags to allow the take of elk as specified in Section 364, and subject to the following conditions:

(a) Definition and Scope. A cooperative elk hunting area is an area of private land located within the boundary of an area open to public elk hunting (as identified in Section 364). Minimum size of a cooperative elk hunting area shall be 5,000 acres, except that contiguous parcels of at least 640 acres in size may be combined to comprise a cooperative elk hunting area. Within an area open to public elk hunting, the number of cooperative elk hunting license tags issued shall not exceed 20 percent of the number of public license tags for the corresponding public hunt and shall be of the same designation (i.e., antlerless, spike bull, bull or either-sex) as the public license tags. If the number of applicants exceeds the number of cooperative elk hunting license tags available, the department will issue license tags by random drawing from the pool of qualified applicants.

(b) Application Process. Application forms are available from the department's headquarters and regional offices. A person (as defined by Fish and Game Code Section 67) owning at least 640 acres within a cooperative elk hunting area shall be eligible to apply for a cooperative elk hunting area permit. Applicants shall designate one individual eligible to receive one elk license tag by the date indicated under subsection (3) below. Such individuals shall be ~~California~~ residents at least 12 years of age and possess a valid California hunting license. A person may annually submit a cooperative elk hunting area application where they own sufficient habitat as described in subsection (a) above, for each public hunt area in which their property occurs.

(1) Applications shall be submitted to the department's regional office nearest the proposed cooperative elk hunting area. Department of Fish and Game regional offices are located as follows:

Northern California and North Coast Region, 601 Locust Street, Redding 96001 (530) 225-2300

Sacramento Valley and Central Sierra Region, 1701 Nimbus Road, Rancho Cordova 95670 (916) 358-2900

Central Coast Region, 7329 Silverado Trail, Box 47, Yountville 94599 (707) 944-

5500 San Joaquin Valley and Southern Sierra Region, 1234 East Shaw Avenue,

Fresno 93710 (559) 243-4005 South Coast Region, 4949 View Crest Avenue,

San Diego 92123 (858) 467-4201 Eastern Sierra and Inland Deserts Region,

4775 Bird Farm Road, Chino Hills 91709 (909) 597-9823

(2) Completed applications must be received by the first business day following July 1. Only those applications that are filled out completely will be accepted. The Department will evaluate applications to determine if the specified parcels are of sufficient size within the boundary of a public elk hunt area, and contain important elk habitat. Rejected applications and those that are incomplete will be returned within 15 days of receipt by the department. If the number of accepted

applications exceeds the license tags available, the department will determine successful applicants and a list of alternates by conducting a random drawing from the pool of qualified applicants as soon as possible after the application deadline.

(3) Successful applicants will be notified by the department as soon as possible after the application deadline. Applicants shall submit the name, address, and valid California hunting license number of designated elk license tag recipients and payment of elk license tag fees by check, money order, or credit card authorization in the amount specified by subsection ~~708(d)~~702(b)(1)(L)(M), to the department's regional office nearest the proposed cooperative elk hunting area, by the first business day following August 1.

(c) An elk license tag issued pursuant to the provisions of this section is valid only during the general elk season in which the cooperative elk hunting area occurs and shall only be used on land specified in the landowner's application. License tags are not transferable.

(d) All provisions of the Fish and Game Code and Title 14, CCR, relating to the take of birds and mammals shall be conditions of all license tags issued pursuant to this section.

(e) Any permit issued pursuant to Section 555 may be canceled or suspended at any time by the commission for cause after notice and opportunity to be heard, or without a hearing upon conviction of a violation of this regulation by a court of competent jurisdiction.

Note: Authority cited: Section ~~1570~~1575, Fish and Game Code.

Reference: Sections 67 and ~~1570-1572~~1575 Fish and Game Code.