

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 annual population surveys conducted by the Department. To comply with Section 4902 and meet the objectives of the approved management plans for each unit, the proposed distribution of tags is as follows:

HUNT ZONE	2010 Tag allocation	2011 Tag allocation (proposed)
Zone 1 - Marble/Clipper Mountains	4	3-4
Zone 2 - Kelso Peak/Old Dad Mountains	4	3-4
Zone 3 - Clark/Kingston Mountain Ranges	2	2
Zone 4 - Orocopia Mountains	1	1-2
Zone 5 - San Gorgonio Wilderness	2	2-3
Zone 6 - Sheep Hole Mountains	2	1-2
Zone 7 – White Mountains	4	3-5
Zone 8 - South Bristol Mountains	-	2-3
Zone 9 – Cady Mountains	-	3-4
Open Zone Fund-raising Tag	1	1
Marble/Clipper/Sheep Hole Mountains Fund-raising Tag	1	-
Marble/Clipper/South Bristol Mountains Fund-raising Tag	-	1
Kelso Peak/Old Dad Mountains Fund-raising Tag	1	1
TOTAL	22	23-32

The proposed harvest is biologically conservative by design to ensure that 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. Results of the survey and monitoring efforts indicate that the ram populations are higher than the number observed during aerial surveys. The final number of tags will be identified and reported in the Final Statement of Reasons based upon findings from the biennial fall/winter surveys.

2. Establishment of the South Bristol Mountains and Cady Mountains Hunt Zones

This proposal establishes two additional bighorn sheep hunt zones in San Bernardino County. Bighorn sheep are widespread in San Bernardino County, and the proposal would increase the number of geographic areas, or hunt zones, lying entirely within in San Bernardino County from 5 to 7. The proposal will add the South Bristol Mountains bighorn sheep hunt zone, and the Cady Mountains hunt zone, respectively.

Section 4902 of the Fish and Game Code authorizes the Commission to establish hunting regulations for mature Nelson bighorn rams in management units for which plans have been developed pursuant to Section 4901 of the Fish and Game Code. In an effort to expand biologically sound bighorn ram hunting opportunity consistent with the law, the proposed change creates two additional hunt zones. This proposal is in compliance with Fish and Game Code Section 4902 and is consistent with the objectives of the approved management plans for these units.

3. Modify the Kelso Peak/Old Dad Mountains Hunt Zone Boundary

Existing regulations specify the boundary for the Old Dad/Kelso bighorn sheep hunt. A small number of bighorn sheep have been discovered to now occupy the South Soda Mountains, at the west end of the Old Dad/Kelso bighorn sheep hunt zone. This proposal modifies the western boundary of the Kelso Peak/Old Dad Mountains hunt zone to exclude the South Soda Mountains. This proposal supports continued expansion of the population of bighorn sheep now established in the South Soda Mountains.

4. Reallocation of the Marbles/Clipper/Sheep Hole Mountains Fund-raising Tag

Existing regulations provide for a fund-raising tag to be allocated in the Marble/Clipper and Sheep Hole Mountains hunt zones. The proposal would change this tag to be valid in the Marble/Clipper and South Bristol Mountains because of the potentially higher revenue generated from adding a hunting opportunity in a new area where mature rams are known to occur. Both areas are known to offer high quality hunting opportunities.

This proposed regulatory action is consistent with providing fund-raising tags to generate revenue for bighorn sheep management projects. Fish and Game Code Section 4902 specifies that no more than 15 percent of the tags can be designated as fund-raising tags. In order to comply with Fish and Game Code Section 4902 and meet the objectives of the approved management plans for each unit, fund-raising tags need to be designated for specific hunt zones.

5. Editorial Changes

The proposal contains minor editorial changes to improve the clarity of the regulations. The changes are necessary to describe and identify the seasons and distribution of fund-raising tags, and the additional hunt zones.

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

Authority: Sections 200, 202, 203, 220, 1050, and 4902, Fish and Game Code.

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

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

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

2011 Draft Environmental Document Regarding Bighorn Sheep Hunting

2005 Final Environmental Document Regarding Bighorn Sheep Hunting

Bighorn Sheep Management Plan: Cady Mountains Management Unit

Bighorn Sheep Management Plan: South Bristol Mountains Management Unit

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

The Department conducted a public scoping session in Sacramento on November 18, 2010. 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. Number of Tags

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

2. Establishment of the South Bristol Mountains and Cady Mountains Hunt Zones

An alternative that would have established hunt zones in management units other than those proposed was considered. However, this alternative does not address the current population monitoring efforts that have identified these management units as most appropriate for the proposed hunting project. Therefore, this alternative was rejected.

3. Modify the Kelso Peak/Old Dad Mountains Hunt Zone Boundary

No alternatives were identified. Bighorn sheep hunt zone boundaries may be changed periodically in response to events such as population re-colonization that indicate the establishment of a small and distinct population.

4. Reallocation of the Marbles/Clipper and Sheep Hole Mountains Fund-raising Tag

No alternatives were identified. The location of zones open to bighorn sheep fund-raising tags must be changed periodically in response to a variety of biological and environmental conditions, and to optimize revenue generated for bighorn sheep management projects.

5. Editorial Changes

There are no reasonable alternatives to the proposed action.

- (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 bighorn sheep populations within desired population objectives. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify desired percentage harvest levels on an annual basis. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

2. Establishment of the South Bristol Mountains and Cady Mountains Hunt Zones

This no-change alternative was considered and found inadequate to obtain the program objective. Fish and Game Code Section 4902 provides for addition of areas for hunting Nelson bighorn sheep. Nelson bighorn sheep hunting demand is high (8,219 applicants for 19 tags in 2009), and this alternative would not increase hunting opportunity and would decrease revenue that is dedicated to bighorn sheep management.

3. Modify the Kelso Peak/Old Dad Mountains Hunt Zone Boundary

This no-change alternative was considered and found inadequate because it would allow bighorn sheep hunting in a new and sensitive population that has re-colonized in the South Soda Mountains.

4. Reallocation of the Marbles/Clipper and Sheep Hole Mountains Fund-raising Tag

The no-change alternative was considered and found inadequate, because it would continue to allocate a fund-raising tag in the Sheep Hole Mountains and would unnecessarily restrict revenue opportunities dedicated toward the management and enhancement of the bighorn sheep resource.

5. Editorial Changes

The no-change alternative for the proposed administrative changes was considered and rejected. This alternative would result in regulations which would not reflect the necessary changes.

(c) Consideration of Alternatives:

In view of information currently available, 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 2011 Draft Environmental Document Regarding Bighorn Sheep Hunting discloses the proposed action and potential impacts related to that action.

The 2005 Final Environmental Document Regarding Bighorn Sheep Hunting also discloses the proposed action and potential impacts related to that action.

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 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. 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:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person 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.

**INFORMATIVE DIGEST
(Policy Statement Overview)**

The existing regulation provides for limited hunting of 22 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on biennial bighorn sheep population surveys conducted by the Department. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2010 estimate of the bighorn sheep population in each zone. Tags are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by February of 2011 pending completion of all surveys and analyses.

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

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3-4
Zone 2 - Kelso Peak/Old Dad Mountains	3-4
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Gorgonio Wilderness	2-3
Zone 6 - Sheep Hole Mountains	1-2
Zone 7 - White Mountains	3-5
Zone 8 - South Bristol Mountains	2-3
Zone 9 - Cady Mountains	3-4
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	1
TOTAL	23-32

Existing regulations provide for limited hunting of Nelson bighorn rams in 7 hunt zones located in San Bernardino, Inyo, and Riverside counties. The proposed change creates two additional (Zone 8 and Zone 9) hunt zones located in the South Bristol Mountains and Cady Mountains (San Bernardino County), respectively. This proposal is in compliance with Fish and Game Code Section 4902, which provides for limited hunting of Nelson bighorn sheep in management units for which herd plans have been prepared.

Existing Regulations define the boundaries of the Kelso Peak/Old Dad Mountains Hunt Zone. The proposed change will modify the western boundary of this hunt zone to exclude the South Soda Mountains. This change is intended to facilitate expansion of the population of bighorn sheep now established in the South Soda Mountains which will no longer be part of the Kelso Peak/Old Dad Mountains Hunt Zone.

Existing regulations provide for a fund-raising tag to be allocated in the Marble/Clipper and Sheep Hole Mountains hunt zones. The proposed change would remove the Sheep Hole Mountains and add the South Bristol Mountains as valid hunt zones permitted for this fund-raising tag. This change to the fund-raising tag zone is necessary to take advantage of the potentially higher revenue generated from adding a hunting opportunity in a new area where mature rams are known to occur.