

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

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

I. Date of Initial Statement of Reasons: November 7, 2012

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 12, 2012
 Location: San Diego

(b) Discussion Hearings: Date: March 6, 2013
 Location: Mt. Shasta

(c) Adoption Hearing: Date: April 17, 2013
 Location: Santa Rosa

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 specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for periodic fluctuations in population numbers. Ranges are necessary because final quotas cannot be determined until survey data are analyzed. Surveys are scheduled for January-March, 2013. Analysis of survey results will be completed by the end of March, 2013. Final tag quotas will allow for a biologically appropriate harvest of bulls and cows in the population. 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 elk surveys are completed. The proposed ranges of elk tags for 2013 are as follows:

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
Apprentice Hunts				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2
Fort Hunter Liggett P1		0-4		
Fort Hunter Liggett P2		0-4		
Fort Hunter Liggett P3	0-2			
Archery Only Hunts				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
Muzzleloader Only Hunts				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		
Fort Hunter Liggett Muzzleloader Only	0-6			
Muzzleloader/Archery Only Hunts				
Marble Mountains Muzzleloader/Archery Only			0-10	
General Roosevelt Elk Hunts				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
General Rocky Mountain Elk Hunts				
Northeastern California	0-30	0-10		
General Roosevelt/Tule Elk Hunts				
Mendocino	0-4	0-4		
General Tule Elk Hunts				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		

2013 Proposed Elk Tag Allocation				
Hunt Name	Bull	Antlerless	Either-Sex	Spike
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6
Fort Hunter Liggett Period 1		0-16		
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
Fund Raising Tags				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
Military Only Elk Tags				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			

2. Modify Season Dates and Tag Distribution: Fort Hunter Liggett tule elk.

The proposal modifies season dates and tag distribution for the Fort Hunter Liggett hunts. Due to military use constraints, hunt dates and distribution are subject to change from year to year.

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, 1050, and 1575.

Reference: Fish and Game Code sections 203, 203.1, 332, 713, 1575, and 3951

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

None.

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

Economic Impact Analysis

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

Public Scoping was held at the November 7, 2012 Fish and Game Commission meeting in Los Angeles.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

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 and Tag Distribution: Fort Hunter Liggett tule 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.

3. 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 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 and Tag Distribution: Fort Hunter Liggett tule elk.

The no-change alternative was considered and rejected for the Fort Hunter Liggett tule elk hunt because not adjusting the dates and tag distribution is not acceptable to the military base. Military use has priority over the hunting program and the new dates and tag distribution meet the needs of the base. The hunts would be eliminated if the dates and tag distribution were not allowed to change.

3. 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 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. The maximum number of tags available in the newly proposed range is at or below the number of tags analyzed in the 2009 Final Environmental Document Regarding Elk hunting.

Impact of Regulatory Action/Results of the Economic Impact Analysis

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. 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 mammal regulations will not have impacts to jobs and/or businesses in California.

Health and Welfare of California Residents: Hunting is an outdoor activity that can provide several benefits for individuals who partake in it and for the environment.

The proposed mammal regulations will not have impacts to worker safety.

Benefits to the Environment: Ensure a sustainable management of big game populations in California.

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

The Fish and Game 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.

There are no costs or savings with regard to state agencies or federal funding to the State.

- (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 elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
Apprentice Hunts				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2
Fort Hunter Liggett P1		0-4		
Fort Hunter Liggett P2		0-4		
Fort Hunter Liggett P3	0-2			
Archery Only Hunts				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
Muzzleloader Only Hunts				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		
Fort Hunter Liggett Muzzleloader Only	0-6			
Muzzleloader/Archery Only Hunts				
Marble Mountains Muzzleloader/Archery Only			0-10	
General Roosevelt Elk Hunts				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
General Rocky Mountain Elk Hunts				
Northeastern California	0-30	0-10		
General Roosevelt/Tule Elk Hunts				
Mendocino	0-4	0-4		
General Tule Elk Hunts				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		

2013 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6
Fort Hunter Liggett Period 1		0-16		
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
Fund Raising Tags				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
Military Only Elk Tags				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			