

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

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

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

II. Date of Final Statement of Reasons: May 15, 2017

III. 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

IV. Update:

At its April 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the changes to regulation in Section 362, Nelson Bighorn Sheep. The 2017-18 Tag Allocations are indicated in the table in subsection 362(d) of the amended Regulatory Text.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

A Data Supplement dated March 2017 was provided to the Commission by the Department of Fish and Wildlife, recommending 2017 Proposed Bighorn Sheep Tag Allocations, and was a document relied upon.

Responses to public comments, oral or written, regarding proposed regulatory changes received through April 26, 2017 are included as Attachment A.

VI. 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

VII. Location of Department files:

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

VIII. 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.

(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.

(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 adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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 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.

It is unlikely that the proposed regulation will result in the creation or elimination of jobs within the state, cause the creation of new businesses or the elimination of existing businesses or result in the expansion of businesses in California because the overall number of tags issued is small and the resulting hunting effort is spread over a large geographic area.

- (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) 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)

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 with State or Federal 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.

UPDATE

At its April 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the changes to regulation in Section 362, Nelson Bighorn Sheep. The 2017-18 Tag Allocations are indicated in the table in subsection 362(d) of the amended Regulatory Text. Existing tag allocations for Marble/Clipper/South Bristol Mountains should have been "1", and Kelso Peak/Old Dad Mountain "0".

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.