

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

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

Date of Initial Statement of Reasons: September 21, 2016

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: | December 8, 2016 |
| | | Location: | San Diego, CA |
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| (b) | Discussion Hearings: | Date: | February 8, 2017 |
| | | Location: | Rohnert Park, CA |
| | | | |
| (c) | Adoption Hearing: | Date: | April 26, 2017 |
| | | Location: | Van Nuys, CA |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for hunts need to be adjusted annually. Current regulations specify the number of bighorn sheep hunting tags for the 2016 season. This proposed regulatory action will amend subsection 362(d) providing the number of tags for bighorn sheep hunting in 2017.

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.

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 the Department's annual estimate of the population in each management unit. The Department is currently implementing aerial surveys. The proposed tag ranges are biologically conservative by design to ensure that harvest is consistent with management plan guidelines for individual units and 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.

The Department's recommendations to the Commission will be consistent with the following criteria as supported by management plans:

- If the Department's annual population estimate for any of the individual management units is below 50 adult ewes and/or the ram/ewe ratio falls below 40:100, then the Department will recommend a 0 tag quota for the 2017 season in that unit.
- If no substantial reduction in population is determined in the estimate of the population, then tag quotas for 2017 will be recommended consistent with management plan guidelines and the statutory requirement that no more than 15% of the mature rams may be harvested through hunting, Fish and Game Code section 4902(a)(2).

(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 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 Final Environmental Document Regarding Bighorn Sheep Hunting

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

Fish and Game Commission's Wildlife Resources Committee meeting held on September 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

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 the various herds.

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

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 2011 Final Environmental Document Regarding Bighorn Sheep Hunting.

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 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. The proposed quotas are to allow for the continuation of limited hunting activity by sustaining Bighorn Sheep populations. The number of tags issued is so limited in number and in the area over which the hunts occur, that these regulatory actions will be 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 action affects a small number of hunting tags over a limited area and will not have any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California and does not affect worker safety.

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.

(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) 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.

VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action is unlikely to constitute a significant change from the last bighorn sheep season. The number of tags to be set in regulation for 2017 is intended to achieve or maintain the levels set forth in the approved management plans to preserve herd health and hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity are anticipated.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

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.

- (e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety.

- (f) Benefits of the regulation to the State's environment

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will further this core objective.

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 and Compatibility with State 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.