

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

Amend Section 364.1
Title 14, California Code of Regulations (CCR)
Re: SHARE Elk Hunts

I. Date of Initial Statement of Reasons: October 12, 2015
February 11, 2016 (Amended)

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 10, 2015
Location: San Diego, CA

(b) Discussion Hearing: Date: February 11, 2016
Location: Sacramento, CA

(c) Adoption Hearing: Date: April 14, 2016
Location: Santa Rosa, 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:

1. It is necessary for the Department of Fish and Wildlife (Department) to improve the hunting regulations and make them more user-friendly.

Section 364.1, SHARE Elk Hunts, is proposed to be amended in conjunction with the amendments to Section 364, Elk. This is necessary because of the addition of new hunt zones, zone splitting, zone boundary modifications, and tag quota modifications in the amended 364 regulations. The SHARE private property elk hunts correspond with elk hunts identified in 364. These regulations authorize SHARE elk hunts with separate seasons and tag quotas. Tag issuance will be through the SHARE program utilizing the department's existing tag distribution procedures.

Current subsection 364.1(c) contains a Table setting forth the hunt tag quotas. CDFW proposes to move the area descriptions (in the same order and number as provided in Section 364) to the table. For example, part of the current regulation in subsection 364(a) reads as follows:

“§ 364.1. SHARE Elk Hunts.

(a) Department Administered Shared Habitat Alliance for Recreational

Enhancement (SHARE) Elk Hunts:
 (1) Siskiyou Roosevelt Elk SHARE Hunt:
 (A) Area: Within the boundaries identified in Section 364(a)(1)(A). Individual property boundaries will be identified in the SHARE application package.”

The Table will be formatted in the same order as the hunts described in Section 364 and the Areas will be placed in the amended Table as shown in the example below:

§ 364.1. SHARE: Department Administered Shared Habitat Alliance for Recreational Enhancement Elk Hunts

§	Hunt	(A) Tag Quota	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area				
(i) Department Administered SHARE Roosevelt Elk Hunts						
(1)	Siskiyou	10	10			
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).				

The complete Table and text is found in the attached amended Regulatory Text of Section 364.1.

2. Number of Tags.

In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Department regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives. The proposed amendments will modify Section 364.1, adding a new subsection (a) to include a Table which specifies the number of elk tags in each hunt area for the 2016 season. However, the amendments to Section 364.1 will begin with a range of tags (expressed as [0 - 40], etc.) since the final recommendations for quotas cannot be determined until winter survey data and harvest results are analyzed.

The final number of tags will be recommended to the Commission at the adoption hearing in April 2016, based upon the completion of winter elk surveys and resulting data analysis.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332 and 1050.
 Reference: Fish and Game Code sections 203, 203.1, 332, 713, and 1050.

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

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

~~2016 Draft Environmental Document Regarding Elk Hunting~~
Final Environmental Document Regarding Elk Hunting dated April 21, 2010

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

A public discussion was held at the Fish and Game Commission's Wildlife Resources Committee meeting held on September 9, 2015 in Fresno, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified. Elk tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and overwinter survival rates. Elk populations have increased and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the zones.

Failure to adjust SHARE hunt areas in Section 364.1 to correspond with elk hunts in Section 364 would create inconsistency in regulation regarding both zone boundaries and tag ranges.

(b) No Change Alternative:

The no change alternative was considered and rejected because Section 364.1 must correspond with the elk hunts described in amended Section 364; not doing so would create confusion in both zone boundaries and tag ranges.

(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 number of tags that will be issued from the newly proposed range will result in a harvest that is at or below the harvest analyzed in the ~~2016 Draft Environmental Document Regarding Elk hunting~~. Final Environmental Document Regarding Elk Hunting dated April 21, 2010.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas. Given the number of tags available, and the area over which they are distributed, 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 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed action will not affect jobs or businesses in California and does not provide benefits to 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 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.

VII. Economic Impact Assessment.

The proposed action will have no statewide economic or fiscal impact because the proposed action will not constitute a significant change from the last elk season. The number of tags to be set in regulation for 2016 is intended to achieve or maintain the levels set forth in the approved management plans to sustainably manage elk populations and maintain 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 levels 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 levels 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 levels are anticipated.

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

The proposed regulation will not have a direct benefit on the health and welfare of California residents.

(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)

Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. In conjunction with proposed amendments to Section 364, Elk, which will delete, amend and add hunt areas, it is necessary to similarly amend Section 364.1 for consistency.

Preliminary tag quota ranges are indicated pending final 2016 tag allocations in accordance with elk management goals and objectives. Survey data collected between October 2015, and March 2016, will be the basis for the final tag numbers recommended to the Commission at the April 2016 adoption hearing. The quota ranges for 2016 elk tags are indicated in the proposed Regulatory Text.

Other minor editorial changes and renumbering have also been made.

The complete Table and text is found in the attached proposed Regulatory Text of Section 364.1.

Benefits of the regulations

The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in 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 annual harvest and herd composition counts where appropriate.

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 elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

[The Department, at the Commission's February 11, 2016 meeting in Sacramento requested the Commission consider its withdrawal of the proposed draft 2016 Elk CEQA document, and instead asked the Commission rely on existing CEQA. Reverting back to the original CEQA](#)

proposals requires the renote of proposed regulatory text which included proposals that added additional hunt zones in sections 364 and 364.1 that were identified as projects under the CEQA document being withdrawn, as well as necessary paragraph renumbering.

Final tag quotas and an addendum to the Final Environmental Document regarding Elk Hunting, dated April 21, 2010 will be provided to interested and affected parties at least 15 days prior to its consideration by the Commission at its April 14, 2016 meeting in Santa Rosa.