

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

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

- I. Date of Initial Statement of Reasons: November 6, 2015  
February 11, 2016 (Amended)
- II. Date of Final Statement of Reasons: April 17, 2016
- III. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: December 10, 2015  
Location: San Diego, CA
- (b) Discussion Hearings: Date: February 11, 2016  
Location: Sacramento, CA
- (c) Adoption Hearing: Date: April 14, 2016  
Location: Santa Rosa, CA

IV. Update:

At its April 14, 2016 meeting in Santa Rosa, the Fish and Game Commission adopted the amendments to Section 364, Elk; the final tag allocations for the 2016 season are set forth in subsections 364(r) through (aa).

Based on results of surveys and updated harvest and population analysis for the most recent Final Environmental Document contained in the "Data Supplement to The California Fish and Game Commission Regarding: Recommended 2016 Elk Tag Allocations and 2016 Elk SHARE Tag Allocations (Updated 2015 Elk Harvest and Population Estimates)", the Department recommended changes from 2015 for Elk tag allocations as indicated in the amended proposal with additional minor edits for clarity.

Two minor errors were found in the proposed Regulatory Text attached to the February 11, 2016, Initial Statement of Reasons. These have been corrected in the Regulatory Text attached to this FSOR:

- Subsection (x)(3)(A) now correctly identifies Fort Hunter Liggett General Public Muzzleloader Only (Goodale deleted from the table).
- Subsection (aa)(4)(A), now correctly identifies Fort Hunter Liggett Military Only Muzzleloader Only (incorrectly numbered as (aa)(4)(B)).

The proposed language of the Initial Statement of Reasons was amended on February 11, 2016. A 15 day notice was provided. No other modifications were

made to the amended proposed language of the Initial Statement of Reasons.

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

Responses to public comments, oral or in writing, regarding all proposed 2016-2017 mammal hunting regulations received through April 14, 2016 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 Game  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Regulation Format Change.

No alternatives were identified. The current Elk Hunt regulations in Title 14, Section 364, are overly long and the current format makes it difficult to find pertinent hunting information. A substantial amount of information from Section 364, which was in a narrative format, was placed into a Table that is more easily reviewed by the public.

2. Number of Tags.

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

3. Remove Hunt Areas.

No alternatives were identified. Three hunt areas (Big Lagoon, Klamath, and Del Norte) are no longer being utilized and have been incorporated into the Northwestern Roosevelt Elk Hunt.

4. Modify Season Dates: Grizzly Island and Fort Hunter Liggett tule elk.

No alternatives were identified for the modification of season dates. The elk population on Grizzly Island has increased substantially over the last several years, the proposed seasonal framework and additional hunt periods are designed to safely distribute the additional hunting pressure while maintaining an appropriate level of harvest. Access to Fort Hunter Liggett is entirely controlled by the base commander and new dates are the only option that accommodates military operations while still providing hunter opportunity.

5. Modifications to Hunt Area Special Condition.

No alternatives were identified. Current regulations require a hunter orientation in certain hunt areas prior to hunting. This requirement is not necessary in most areas. All pertinent information is sent to the successful tag holder along with their tag. Where required, the Special Conditions appear in regulation with the hunt area description.

6. Minor Editorial Changes.

No alternatives were identified. Proposed amendments to 364(l)(4) to clarify that a spike is included within the definition of either-sex elk. Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification. There is no reasonable alternative to the proposed action.

(b) No change Alternative:

1. Regulation Format Change.

The no-change alternative was considered and rejected because it would not result in precise and easily reviewed regulations. The current Elk Hunt regulations in Title 14, Section 364, are overly long and the current format makes it difficult to find pertinent hunting information. A substantial amount of information from Section 364, which was in a narrative format, was placed into a Table that is more easily reviewed by the public.

2. 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 within desired objectives. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

3. Remove Hunt Areas

The no-change alternative was considered and rejected because it would not result in clearly defined regulations. Three hunt areas (Big Lagoon, Klamath,

and Del Norte) are no longer being utilized and have been incorporated into the Northwestern Roosevelt Elk Hunt.

4. Modify Season Dates: Grizzly Island and Fort Hunter Liggett tule elk.

The no-change alternative was considered for the Grizzly Island and Fort Hunter Liggett tule elk hunts but not chosen. Failure to establish additional hunt periods at Grizzly Island would lead to hunter overcrowding and a potential reduction in harvest levels and not achieving harvest goals. Leaving Fort Hunter Liggett season dates unchanged is not acceptable to the military base. Military use has priority over the hunting program and the new dates meet the needs of the base. The hunts would be eliminated if the dates were not allowed to change.

5. Modifications to Hunt Area Special Condition

The no-change alternative was considered and rejected because it would result in unnecessary work for Department personnel and tag holders. All pertinent information is sent to the successful tag holder along with their tag. Where required, the Special Condition appears in regulation with the hunt area description.

6. Minor Editorial Changes.

The no-change alternative was considered and found inadequate to attain the project objectives, because inconsistencies in 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 and less burdensome to the 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.

X. Impact of Regulatory Action:

This action sets tag quotas for existing hunts. 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 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. 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:

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.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

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

The agency 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, Government Code: None
- (h) Effect on Housing Costs: None

## **UPDATED INFORMATIVE DIGEST** (Policy Statement Overview)

Existing regulations in Section 364, Title 14, CCR, specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish 2016 tag quotas within each hunt adjusting for annual fluctuations in population number, season dates and tag distribution.

The complete amended text is found in the amended Regulatory Text of Section 364 with the Initial Statement of Reasons.

### Proposed Amendments:

1. The current Elk Hunt regulations in Title 14, Section 364, are overly long and the format makes it difficult to navigate to find pertinent hunting information. The Department of Fish and Wildlife (Department) is recommending placing a substantial amount of information from Section 364 in a Table to improve the hunting regulations and make them more user-friendly.
2. 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. Section 364 regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives.
3. Remove Hunt Areas. The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20).
4. Modify Season Dates and Hunt Periods. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of individual hunts and the number of days of hunting. The new Table sets forth the recommended days for each hunt.
5. Modifications to Hunt Area Special Conditions.

Current regulations require a hunter orientation in certain hunt areas prior to hunting. This requirement is not necessary in most areas since all pertinent information is sent to the successful tag purchaser (hunter) along with their tag. Tag holders are also provided contact numbers for local Department employees to answer any additional questions. Where required, the Special Conditions appear in regulation with the hunt area description. Special Conditions for hunting on military installations appear in new subsection (p) Fort Hunter Liggett Special Conditions.

6. Minor Editorial Changes are proposed to improve clarity and reduce redundancy.

### 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.

#### Update

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 re-notice 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 allocations 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.

#### **UPDATE**

**At its April 14, 2016 meeting in Santa Rosa, the Fish and Game Commission adopted the amendments to Section 364, Elk; the 2016 Tag Allocations set forth in subsections 364(r) through (aa).**

**The final tag allocations are set forth in the "Data Supplement To The California Fish and Game Commission, Regarding: Recommended 2016 Elk Tag Allocations & 2016 Elk SHARE Tag Allocations (Updated 2015 Elk Harvest and Population Estimates)" which was mailed to interested and affected parties on March 30, 2016.**

**A minor edit was made by adding subsection “(q) [subsection reserved]” because there will be an addition made to the text next year.**

**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.**