

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: September 21, 2016
- II. Date of Final Statement of Reasons: April 27, 2017
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 8, 2016
 Location: San Diego, CA
 - (b) Discussion Hearings: 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 amendments to Section 364, Elk; the final tag allocations for the 2017 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 2017 Elk Tag Allocations and 2017 Elk SHARE Tag Allocations (Updated 2016 Elk Harvest and Population Estimates)", no modifications were made to the originally proposed language of the Initial Statement of Reasons. At its April 26, 2017 meeting in Van Nuys, the Fish and Game Commission adopted the final tag quotas identified in the table within the original proposed 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 April 2017 was provided to the Commission by the Department of Fish and Wildlife, recommending 2017 Elk Tag Allocations, was a document relied upon.

Responses to public comments, oral or in writing, regarding all proposed 2017-2018 mammal hunting regulations 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 Game
1416 Ninth Street
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Modify Hunt Boundaries: Modify Independence Tule Elk Hunt to establish the Goodale Tule Elk Hunt in the western half of Independence:

No alternatives were identified. Distributing hunting pressure between the Independence and Goodale zones allows the Department to manage elk more effectively.

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. Modify Season Dates: Fort Hunter Liggett tule elk and Northeastern Rocky Mountain Elk.

No alternatives were identified for the modification of season dates. 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.

No alternatives were identified for modifying the season dates of the Northeastern Rocky Mountain antlerless elk season. Modifying season dates will provide greater hunter satisfaction and will result in the desired harvest level.

(b) No change Alternative:

1. Modify Hunt Boundaries: Modify Independence General Methods Tule Elk Hunt to establish the Goodale General Methods Tule Elk Hunt in the western half of Independence:

The no-change alternative was considered and rejected because it would not result in appropriate distribution of hunting pressure across zones.

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. Modify Season Dates: Fort Hunter Liggett and Northeastern California.

The no-change alternative for Fort Hunter Liggett was considered and rejected. 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. 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.

The no-change alternative for Northeastern California was considered and rejected. Modifying season dates will provide greater hunter satisfaction and will result in the desired harvest level.

(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 2017 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. Establish the Goodale Tule Elk Hunt in the western part of Independence. This modification assists the Department is achieving the desired harvest levels. These modifications allow to Department to issue tags at a finer scale and achieve management harvest goals.
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. Modify Season Dates. 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. Fort Hunter Liggett access is entirely controlled by the base and the new dates and tag distribution are the only option that accommodates military operations.
4. 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

At its April 26, 2017, meeting in Van Nuys, the Fish and Game Commission adopted the changes to Section 364, Elk Hunts, Seasons, and Number of Tags. The 2017-18 Tag Allocations are indicated in the table in subsection 364(r) of the amended Regulatory Text. No modifications were made to the originally proposed language of the Initial Statement of Reasons. Citation edits were also made

Table 1. 2016 & 2017 Elk Tag Allocations

Hunt Name	2016 Tag Allocations	2017 Tag Proposal	2017 Tag Allocations	364 Amended subsections
Marble Mountains either-sex (Apprentice Hunt)	2	0-4	2	
Northeastern California either-sex (Apprentice Hunt)	2	0-4	2	
Cache Creek Period 1 bull (Apprentice Hunt)	1	0-2	1	
La Panza Period 1 antlerless (Apprentice Hunt)	1	0-2	1	
Grizzly Island Period 1 antlerless (Apprentice Hunt)	2	0-4	3	(v)(6)(A)
Grizzly Island Period 1 spike bull (Apprentice Hunt)	0	0-4	0	
Grizzly Island Period 2 spike bull (Apprentice Hunt)	2	0-4	2	
Grizzly Island Period 3 antlerless (Apprentice Hunt)	2	0-4	3	(v)(6)(C)
Grizzly Island Period 4 spike bull (Apprentice Hunt)	2	0-4	2	
Fort Hunter Liggett Period 1 antlerless (Apprentice Hunt)*	1	0-8	0	(v)(7)(A)
Fort Hunter Liggett Period 3 bull (Apprentice Hunt)*	1	0-2	0	(v)(7)(A)
Northeastern CA Archery either-sex	10	0-20	10	
Owens Valley Multiple Zone Archery bull	3	0-10	3	
Tinemaha Period 1 Archery bull	1	0-10	0	(w)(4)(A)
Lone Pine Period 1 Archery antlerless	0	0-30	1	(w)(3)(A)
Fort Hunter Liggett Archery only either-sex*	2	0-10	3	(aa)(3)(A)
Fort Hunter Liggett Archery only antlerless*	4	0-10	4	
Marble Mountains Muzzleloader/Archery either-sex	5	0-20	5	
Fort Hunter Liggett Muzzleloader bull*	0	0-10	4	(x)(4)(A)
Goodale Period 1 Muzzleloader antlerless	N/A	0-10	1	(x)(3)(A)
Independence Period 1 Muzzleloader bull	1	0-10	1	
Siskiyou antlerless	20	0-30	20	
Siskiyou bull	20	0-30	20	
Northwestern California bull	15	0-15	15	
Northwestern California either-sex	0	0-10	3	(r)(2)(A)
Marble Mountain antlerless	10	0-30	10	
Marble Mountain bull	35	0-70	35	
Mendocino bull	2	0-4	2	
Northeastern CA antlerless	10	0-10	10	

Northeastern CA bull	15	0-30	15	
Cache Creek Period 1 bull	2	0-4	2	
Cache Creek Period 2 antlerless	2	0-4	2	
La Panza Period 1 antlerless	5	0-10	5	
La Panza Period 1 bull	6	0-12	6	
La Panza Period 2 antlerless	6	0-12	6	
La Panza Period 2 bull	6	0-12	6	
Goodale Period 2 antlerless	0	0-30	1	(u)(10)(B)
Goodale Period 3 antlerless	0	0-30	1	(u)(10)(C)
Independence Period 2 antlerless	1	0-30	1	
Independence Period 2 bull	1	0-10	1	
Independence Period 3 antlerless	1	0-30	1	
Independence Period 3 bull	0	0-10	1	(u)(4)(B)
Independence Period 4 antlerless	0	0-30	1	(u)(4)(C)
Lone Pine Period 2 antlerless	0	0-30	1	(u)(5)(A)
Lone Pine Period 2 bull	2	0-10	1	(u)(5)(A)
Lone Pine Period 3 antlerless	0	0-30	1	(u)(5)(B)
Lone Pine Period 3 bull	1	0-10	1	
Lone Pine Period 4 antlerless	1	0-30	0	(u)(5)(C)
Whitney Period 2 antlerless	0	0-10	1	(u)(9)(A)
Hunt Name	2016 Tag Allocations	2017 Tag Proposal	2017 Tag Allocations	
Grizzly Island Period 1 antlerless	6	0-12	6	
Grizzly Island Period 2 antlerless	2	0-12	2	
Grizzly Island Period 2 spike bull	2	0-6	4	(u)(11)(B)
Grizzly Island Period 3 antlerless	6	0-12	6	
Grizzly Island Period 4 antlerless	2	0-12	4	(u)(11)(D)
Grizzly Island Period 4 spike bull	2	0-6	2	
Grizzly Island Period 5 antlerless	8	0-12	8	
Grizzly Island Period 7 antlerless	8	0-12	8	
Grizzly Island Period 8 spike bull	6	0-6	6	
Grizzly Island Period 9 antlerless	8	0-12	8	
Grizzly Island Period 10 bull	3	0-3	3	
Grizzly Island Period 11 antlerless	8	0-12	8	
Grizzly Island Period 12 spike bull	2	0-6	0	(u)(11)(L)
Grizzly Island Period 12 bull	2	0-3	3	(u)(11)(L)
Grizzly Island Period 13 antlerless	8	0-12	8	
Fort Hunter Liggett Period 1 antlerless*	4	0-16	0	(u)(12)(A)
Fort Hunter Liggett Period 2 antlerless*	4	0-16	0	(u)(12)(B)
Fort Hunter Liggett Period 3 bull*	4	0-14	0	(u)(12)(C)
East Park Reservoir bull	2	0-4	2	
East Park Reservoir antlerless	2	0-8	2	
San Luis Reservoir either-sex	5	0-10	5	
Bear Valley antlerless	1	0-2	1	
Bear Valley bull	2	0-4	2	
Lake Pillsbury antlerless	4	0-4	4	
Lake Pillsbury bull	2	0-4	2	
Multi-Zone Fund Raising bull	1	1	1	

Grizzly Island Fund Raising bull	1	1	1	
Owens Valley Fund Raising bull	1	1	1	
Fort Hunter Liggett Early Season bull*	2	0-2	0	(aa)(1)(A)
Fort Hunter Liggett Early Season antlerless*	1	0-2	0	(aa)(1)(A)
Fort Hunter Liggett Period 1 antlerless*	4	0-16	0	(aa)(1)(B)
Fort Hunter Liggett Period 2 antlerless*	4	0-14	0	(aa)(1)(C)
Fort Hunter Liggett Period 3 bull*	4	0-14	0	(aa)(1)(D)
Fort Hunter Liggett Muzzleloader bull*	0	0-10	4	(aa)(4)(A)
Fort Hunter Liggett Period 1 antlerless (Apprentice Hunt)*	1	0-8	0	(aa)(2)(A)
Fort Hunter Liggett Period 3 bull (Apprentice Hunt)*	1	0-2	0	(aa)(2)(A)
Fort Hunter Liggett Archery only either-sex*	2	0-6	3	(aa)(3)(A)
Fort Hunter Liggett Archery only antlerless*	4	0-10	4	
Total Tags Allocated	332		325	

* 2016 Fort Hunter Liggett season cancelled due to military training.

** Military Tags Only

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.