



USDA Forest Service Road 77 to USDA Forest Service Road 15 (Harris Spring Road); south along USDA Forest Service Road 15 to USDA Forest Service Road 13 (Pilgrim Creek Road); southwest along USDA Forest Service Road 13 to Highway 89; northwest along Highway 89 to Interstate Highway 5; north along Interstate Highway 5 to the point of beginning.

(B) Season: The season shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.

(C) Number of License Tags: 20 bull tags and 20 antlerless tags.

Subparts (B) Season, and (C) Number of License Tags, are proposed to be moved to the new Table as shown in the example below:

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
<b>(r) Department Administered General Methods Roosevelt Elk Hunts</b>					
(1)(A)	Siskiyou	20	20		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			

The complete Table and text is found in the attached amended Regulatory Text of Section 364.

2. Number of Tags.

In order to maintain appropriate harvest levels and hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Current regulations in Section 364 specify elk license tag quotas for each hunt in accordance with management goals and objectives.

The proposed amendments will modify Section 364, adding new subsections 364(r) through (aa) in a Table which specifies the number of elk tags in each hunt type and area for the 2016 season. However, since the Department's final recommendations for quotas cannot be determined until winter survey data and harvest results are analyzed, the amendments to Section 364 will begin with a range of tags (expressed as [ 0-40 ], etc.). The final number of tags will be recommended to the Commission at the adoption hearing in April 2016.

The proposed ranges of elk tags for 2016 are presented in the amended Regulatory Text of Section 364.

3. Remove, Amend, and Establish New Hunt Areas:

The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20). Some hunt areas are deleted, split into new hunt areas or boundaries changed as necessary to distribute

hunting pressure, address landowner concerns over elk damage, and increase or decrease hunting opportunity. Boundary and Area changes are made while providing a biologically appropriate harvest within each zone in accordance with management goals and objectives.

*(Note: The following text which is proposed for deletion (italicized) refers to the current subsection number. Text to be added or amended (normal type) refers to the new renumbered subsection. The referenced subsections appear in the same order as in the attached amended regulatory text.)*

The following Hunt Areas are proposed for amendment:

*364(a)(2) Big Lagoon Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized and has been split and incorporated into the Del Norte and Humboldt Roosevelt Elk Hunts.

*364(a)(3) Northwestern California Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized and has been split and incorporated into the Del Norte and Humboldt Roosevelt Elk Hunts.

*364(a)(4) Klamath Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized and has been split and incorporated into the Del Norte and Humboldt Roosevelt Elk Hunts.

*364(a)(5) Del Norte Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized; this hunt area has been incorporated into the larger new Del Norte hunt area.

*364(a)(2) Del Norte General Methods Roosevelt Elk Hunt: (Added to regulation)*

Two new zones will be created by splitting the Northwestern Roosevelt elk zone (Del Norte and Humboldt). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.

*364(a)(3) Humboldt General Methods Roosevelt Elk Hunt: (Added to regulation)*

Two new zones will be created by splitting the Northwestern Roosevelt elk zone (Del Norte and Humboldt). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.

*364(a)(6) Marble Mountains Roosevelt Elk Hunt: (Deleted from regulation)*

This area has been separated into two separate zones within Humboldt, Shasta, Siskiyou, and Trinity counties (Marble Mountain North and Marble Mountain South Roosevelt elk hunts).

364(a)(4) Marble Mountains North General Methods Roosevelt Elk Hunt: (Added to regulation)

Two new zones will be created by splitting the Marble Mountain Roosevelt elk zone (North and South). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.

364(a)(5) Marble Mountains South General Methods Roosevelt Elk Hunt: (Added to regulation)

Two new zones will be created by splitting the Marble Mountain Roosevelt elk zone (North and South). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.

*364(c)(1) Mendocino Elk Hunt: (Deleted from regulation)*

This area has been split and expanded into five separate zones within Mendocino County as follows:

364(c)(1) Mendocino North Coast General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);

364(c)(2) Mendocino Middle Fork General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);

364(c)(3) Mendocino Upper Russian River General Methods Roosevelt/Tule Elk Hunt: (Added to reg);

364(c)(4) Mendocino Little Lake General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);

364(c)(5) Mendocino South Coast General Methods Roosevelt/Tule Elk Hunt: (Added to regulation):

It is proposed to split and expand the existing Mendocino Roosevelt/Tule elk hunt into five elk hunts within Mendocino County. Public opportunities to hunt elk are limited in Mendocino County. Sufficient numbers of elk occur within the proposed hunt boundaries to provide opportunity for the public to hunt elk. The establishment of these zones will allow the Department to distribute hunting pressure to address landowner concerns over elk damage and increase hunter opportunity while providing a biologically appropriate harvest within each zone

364(d)(2) La Panza General Methods Tule Elk Hunt: (Amend regulatory text)

Some of the area previously within the La Panza zone north of highway 198 will now be within the Fort Hunter Liggett Central Coast zone described in subsection

364(d)(12). This is intended to better distribute harvest within these zones, increase opportunity, and address landowner concerns. The La Panza season framework will remain as previously identified.

364(d)(4) Independence General Methods Tule Elk Hunt: (Amend regulatory text)

It is proposed to split the Independence tule elk hunt area in Inyo County and establish a new tule elk zone (Goodale) in the Owens Valley. Sufficient numbers of elk occur within the proposed hunt boundary to provide opportunity for the public to hunt elk. Creating a new hunt boundary (splitting the zone) allows the Department to more appropriately manage harvest.

364(d)(5) Goodale General Methods Tule Elk Hunt: (Added to regulatory text)

In conjunction with zone boundary modifications for the Independence tule elk zone, a new zone (Goodale) is proposed to be created by dividing the zone. This new zone is being established to efficiently distribute hunting pressure and manage harvest.

364(d)(11) Grizzly Island General Methods Tule Elk Hunt: (Amend regulatory text)

The area description for Grizzly Island is proposed to be amended. Existing regulations specify boundaries for the Grizzly Island tule elk hunt. During the last several years elk population numbers have increased and their range has expanded beyond existing hunt boundaries. The modifications will expand the boundary to outside of the Grizzly Island Wildlife Area. The proposal to expand boundaries for the Grizzly Island tule elk hunt is necessary to improve hunter opportunity and implement an appropriate harvest level.

*364(d)(11) Fort Hunter Liggett Tule Elk Hunt: (Deleted from regulation)*

Public opportunities to hunt elk in Monterey, San Benito, and San Luis Obispo counties are currently limited to the lands within the boundary of the Fort Hunter Liggett Military base and a portion of the La Panza and San Luis Reservoir tule elk zones. To increase public hunting opportunity (military only remains within the perimeter of the base) the boundary is proposed to be expanded as set forth in 364(n)(12).

364(d)(12) Fort Hunter Liggett Central Coast General Public General Methods Tule Elk Hunt: (Added to regulatory text)

Public opportunities to hunt elk in Monterey, San Benito, and San Luis Obispo counties are currently limited to the lands within the confines of the Fort Hunter Liggett Military base and a portion of the La Panza and San Luis Reservoir tule elk zones. Tule elk populations have increased and their range has expanded beyond the existing hunt boundaries. The proposal increases the boundary for the Fort Hunter Liggett Central Coast zone to encompass areas not previously part of an established hunt zone except for the inclusion of the northern portion of the La Panza zone north of highway 198 to the boundary of the San Luis

Reservoir tule elk zone. This will improve hunter opportunity, address expanding elk populations, and respond to landowner concerns. (Note: the military only hunts will remain within the exterior boundaries of the military base.)

364(d)(19) San Emigdio Mountain General Methods Tule Elk Hunt: (Added to regulatory text)

The proposed amendment establishes a new tule elk hunt in portions of Kern, San Luis Obispo, Santa Barbara, and Ventura Counties). Public opportunities to hunt elk have been limited or non-existent. Sufficient numbers of elk occur within the proposed hunt boundary to provide additional opportunity for the public to hunt elk.

364(d)(20) Camp Roberts General Methods Tule Elk Hunt: (Added to regulatory text)

The proposed amendment establishes a new tule elk hunt in portions of Monterey and San Luis Obispo Counties. Public opportunities to hunt elk have been limited. Sufficient numbers of elk occur within the proposed hunt boundary to provide additional opportunity for the public to hunt elk.

4. Add New Opportunities for Specialized Hunts:

The Department makes many different specialized hunts available to the public including Archery, Muzzleloader, and Apprentice hunts. Because of the proposed new hunt areas, some new opportunities will be made available:

364(e)(1) Siskiyou General Methods Roosevelt Elk Apprentice Hunt

364(e)(2) Marble Mountains North General Methods Roosevelt Elk Apprentice Hunt

364(e)(3) Marble Mountains South General Methods Roosevelt Elk Apprentice Hunt

364(e)(9) Fort Hunter Liggett Central Coast General Methods General Public Tule Elk Apprentice Hunt

364(f)(3) Goodale Tule Elk Archery Only Hunt

364(f)(7) Fort Hunter Liggett Central Coast General Public Tule Elk Archery Only Hunt

364(g)(3) Goodale Tule Elk Muzzleloader Only Hunt

364(g)(4) Fort Hunter Liggett Central Coast General Public Tule Elk Muzzleloader Only Hunt:

364(h)(1) Siskiyou Roosevelt Elk Muzzleloader/Archery Only Hunt

354(i)(2) Marble Mountains North Roosevelt Elk Muzzleloader/Archery Only Hunt

364(i)(3) Marble Mountains South Roosevelt Elk Muzzleloader/Archery Only Hunt

364(j)(5) Camp Roberts Military Only Tule Elk Hunt

5. 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 hunts and the number of days of hunting. The new Table in subsections 364(r) through (aa) proposes the recommended days for each hunt.

These recommended changes will increase opportunity and address private property conflicts through the establishment of multiple hunt periods while maintaining an appropriate harvest level. Opportunity is also provided by separate hunting periods for bull, antlerless, either-sex, and spike elk.

In a number of hunt areas the elk population has increased substantially over the last several years. The proposed seasonal framework, additional hunt periods, and the proposed number of tags, are designed to safely distribute the additional hunting pressure while maintaining an appropriate level of harvest.

Due to military use constraints at Fort Hunter Liggett and Camp Roberts, hunt dates are subject to change from year to year and may be changed or cancelled by the base commander

6. 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 subsection (u) Fort Hunter Liggett Special Conditions; and, (v) Camp Roberts Special Conditions.

7. Minor Editorial Changes.

364(l)(4) Proposed amendments to this subsection clarify the definition of either-sex elk and make it clear that a spike elk is included within the definition of either-sex elk.

364(n) is proposed for deletion as it restates subsection (m).

Other minor editorial changes are proposed for consistency in subsection numbering, spelling, grammar, and clarity.

a) Authority and Reference:

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

Reference: Fish and Game Code sections 332 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

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

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:

1. Improve the hunting regulations and make them more user-friendly.

No alternatives were identified. The Department makes extensive use of Tables in regulations. Currently, tables are used in Section 362, Big Horn Sheep, 363 Antelope, and 364.1 SHARE Elk. Department publications use tables to provide information to the public in an easier format than written text.

2. Number of Tags

A recommendation was submitted 10/1/2014 by the Colusa County Fish and Game Commission. Request to increase elk hunting in Stonyford to control the growing size of the herd:

Department staff met with the Colusa County Fish and Game Commission last year to discuss potential solutions. The Department has analyzed the potential for increased harvest in this zone in the Draft Environmental Document. Tag adjustments will be reviewed after surveys are complete. One of the limiting factors for this zone is access to private property for public elk hunters; currently there is very limited public land for elk hunters to access which contain elk. The newly adopted SHARE elk tags (Section 364.1) are a potential solution for allowing access to private lands for elk hunters. Depending on tag allocation for the general draw and analyzed harvest rates, SHARE elk tags may be available for landowners within the Priest Valley desiring to contract with the Department.

Elk license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter 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.

3. Remove, Amend, and Establish New Hunt Areas:

Public recommendation submitted 3/27/2014 by Howard Strohn. Request for better herd management of tule elk in Priest Valley:

With this rulemaking, the Department has recommended boundary modification which would include the Priest Valley elk herd within the proposed Fort Hunter Liggett Central Coast zone. This would potentially increase the number of landowner tags available. In addition to the proposed boundary modifications the Department has analyzed the potential for increased harvest for this zone in the Draft Environmental Document (DED). Tag adjustments will be reviewed after surveys are complete. In 2015 the Department implemented the SHARE elk tag (Section 364.1) as an option for landowners. Depending on tag allocation for the general draw and analyzed harvest rates, SHARE elk tags may be available for landowners within the Priest Valley desiring to contract with the Department.

Not modifying boundaries would not allow the Department to appropriately manage the subgroups through existing harvest regulations. New hunt areas for San Emigdio Mountain and Camp Roberts elk zones are necessary because existing regulations provide no public elk hunting opportunity in these areas. These areas currently maintain adequate numbers of elk to support a limited harvest. Establishing (new) tule elk hunts in these areas is proposed to improve hunter opportunity and provide an appropriate harvest level.

4. Add New Opportunities for Specialized Hunts:

No alternatives were identified. Not modifying opportunity for special hunts would not allow the Department to appropriately manage the subgroups through existing harvest regulations.

5. Modify Season Dates and Hunt Periods:

No alternatives were identified. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for each group, the Department modifies the calendar day for the start of hunts and the number of days of hunting.

Due to military use constraints at Fort Hunter Liggett and Camp Roberts, hunt dates are subject to change from year to year and may be changed or cancelled by the base commander.

6. Modifications to Hunt Area Special Conditions.

No alternatives were identified. Current regulations require a hunter orientation in certain hunt areas prior to hunting. Where required, the Special Conditions appear in regulation with the hunt area description.

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter 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 hunt zones.

(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 tag range will result in a harvest that is at or below the harvest analyzed in the 2016 Draft Environmental Document Regarding Elk hunting.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas, modifies existing hunt zones, and creates new zones to increase hunting opportunities for the public. 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 adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the relatively 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 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 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 would not constitute a significant change from the 2015 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 benefit 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 and the action contributes to the sustainable management of natural 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 State's living resources. The proposed action will further this core objective.

## 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, Amend, and Establish New Hunt Areas. The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20).
4. Add New Opportunities for Specialized Hunts. The Department makes many different specialized hunts available to the public including Archery, Muzzleloader, and Apprentice hunts. Because of the new areas added, some new opportunities will be made available.
5. 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.
6. 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 subsections (p) Fort Hunter Liggett Special Conditions; and, (q) Camp Roberts Special Conditions.

7. 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.