

in response to dynamic environmental and biological conditions. Current regulations in Section 364 specify elk license tag quotas for each hunt zone in accordance with management goals and objectives.

The amendments to Section 364 will establish new tag quotas to adjust for periodic fluctuations in elk population numbers. The proposed tag quotas are expressed as ranges [shown in brackets] in the tables of the amended Regulatory Text (subsections 364 (r) through (aa)) attached to this ISOR. The quotas are expressed in ranges because the final number of tags cannot be determined until survey and harvest data from the 2016-17 hunt season are analyzed and the results are available in the spring of 2017. The final number of tags allocated to each hunt will be recommended to the Commission at the adoption hearing on April 26, 2017.

3. Modify Season Dates: Fort Hunter Liggett Tule Elk and Northeastern Rocky Mountain Elk:

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

The proposal modifies season dates for the Northeastern antlerless elk hunts. Modifying season dates and tag distribution allows flexibility in hunter effort which will help achieve harvest goals for this zone. The antlerless hunt in the Northeast California Rocky Mountain Elk zone occurs during the same season as the hunt for bulls. Hunts for bull elk and antlerless elk occurring simultaneously in the same area can result in potential conflicts between hunters for access to animals and reduced hunter satisfaction. Competition between elk hunters can be reduced by moving the antlerless elk season later in the year.

4. Minor Editorial Changes:

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

(b) 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:

2010 Final 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 21, 2016 in Woodland, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Modify Existing Hunt Area:

No alternatives were identified for establishing the proposed Goodale Hunt zone. 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 environmental and biological conditions including forage availability, population structure and overwinter survival rates.

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

No alternatives were identified for the Fort Hunter Liggett Tule Elk Hunt season date and tag distribution modifications. Access is entirely controlled by Fort Hunter Liggett and the new dates and tag distribution 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.

4. Minor Editorial Changes:

There is no reasonable alternative to the proposed action.

(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 ranges will result in a harvest that is at or below the harvest analyzed in the 2010 Final Environmental Document Regarding Elk hunting.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas, modifies existing hunt zones, and modifies season dates in order to meet management goals and provide 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 proposed action 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 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 is unlikely to constitute a significant change from the 2016 elk 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 and environmental documents 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 2017 tag quotas within each hunt area, 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 the Independence zone. The Department is recommending adding a new subsection 364(d)(10)(A) establishing a Goodale General Methods Tule Elk Hunt.
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. Subsections 364(r) through (aa) 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. The proposed table sets forth the recommended days for each hunt.
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.

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 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.