

management objectives for the White Mountains Management Unit, and Fish and Game Code Sections 4901 and 4902.

2. Number of Tags

Existing regulations provide for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on annual bighorn sheep population surveys conducted by the Department of Fish and Game.

Section 4902 of the Fish and Game Code specifies that the Commission may allow the take of no more than 15 percent of the mature Nelson bighorn rams estimated in the hunt areas in a single year, based on annual population surveys conducted by the Department. The proposed change specifies tag numbers for each hunting zone, and tag numbers are based upon final survey results which were available in December, 2004. To comply with Section 4902 and meet the objectives of the approved management plans for each unit, the proposed distribution of tags is as follows:

HUNT ZONE	2004 Tag allocation	2005 Tag allocation (proposed)
Zone 1 - Marble/Clipper Mountains	3	3
Zone 2 - Kelso Peak/Old Dad Mountains	4	4
Zone 3 - Clark/Kingston Mountain Ranges	1	1
Zone 4 - Orocopia Mountains	1	0
Zone 5 - San Gorgonio Wilderness	2	1
Zone 6 - Sheep Hole Mountains	1	2
Zone 7 - White Mountains	0	3
Open Zone Fund-Raising Tag	1	2
TOTAL	13	16

The proposed harvest is biologically conservative by design to ensure that not more than 15 percent of the mature rams in any zone are taken. The Department's research indicates that aerial surveys do not detect all mature rams present. Results of others surveys and monitoring efforts indicate that the ram populations are higher than the number observed during aerial surveys.

The number of Open Zone Fund-Raising Tags shall not exceed 15 percent of the total number of tags authorized for hunt zones 1-7

(Section 4902, Fish and Game Code). Two fund-raising tags are proposed to comply with the statutory language. The total number of tags available for hunt zones 1-7 as proposed is 14 tags. Fifteen percent of 14 exceeds two, and existing statutes allow for two tags to be allotted for fund-raising purposes.

3. Seasons

The proposed season dates for the new general season hunt described as Zone 7 – White Mountains is proposed to begin on the third Saturday in August and extending through the last Sunday in September. The proposed season dates for the fund raising tagholders who choose to hunt in Zone 7 – White Mountains is proposed to begin on the first Saturday in August and extending through the last Sunday in September. These seasons are earlier than for other bighorn sheep hunt zones because this hunt is at higher elevations, and the season is timed to provide for the optimum hunting opportunity for the White Mountains area.

4. Areas for Fund-Raising Tag Hunts

Fund raising tagholders are proposed to hunt only in hunt zones 1, 2, 5, 6, and 7. They are precluded from hunting in zones 3 and 4 because the estimated number of mature rams in zones 3 and 4 would not support the harvest of two additional rams and still comply with the statutory provision of not more than 15 percent of the mature rams in any zone are taken. Our recent surveys indicated that few rams are available this year in both zones 3 and 4, consequently the proposed change precludes fund raising tagholders from hunting in those zones.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 1050, and 4902, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 1050, 3950, and 4902, Fish and Game Code.

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

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

Draft Environmental Document Regarding Bighorn Sheep Hunting.

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

The Department held one public meetings regarding the proposed changes on January 11, 2005 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

An alternative was considered which involved issuing fewer tags to take Nelson bighorn rams. The current statutory restriction allows a quota of no more than 15 percent of the mature rams observed in the designated hunt zones. This is a very conservative harvest ceiling. This alternative was rejected because the demand for bighorn sheep hunting is high, and the proposed quota changes more closely meet program objectives.

An alternative which involved translocation of mature rams in lieu of removing them by hunting was considered. Since the Department currently has an active and ongoing bighorn sheep translocation program, relocating additional rams would not improve the program. This alternative would not address the Legislature's policy to provide diversified uses of wildlife, including hunting. Additionally, this alternative would not achieve the project objective of providing public hunting opportunities.

A no project or no hunting alternative also was considered. This alternative would continue the translocation of bighorn sheep to available historical habitat, just as would occur under the proposed project. Under this alternative, it is possible that support for bighorn sheep management programs by interested conservation groups and hunters would decline. This decline could result in reducing the value of bighorn sheep to a segment of the public by unnecessarily preventing the hunting of a limited number of mature rams. In addition, it would not address the Legislature's policy to provide diversified uses of wildlife, including hunting. Therefore, this alternative would not achieve the project objectives.

(b) No Change Alternative:

1. Number of Tags

The no-change alternative was considered and found inadequate because it would not attain the project objective. Based on the intent of Section 4902 of the Fish and Game Code, and results of population surveys, it is necessary to adjust the number of tags available in all hunting zones as the status of the sheep populations changes.

(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.

V. Mitigation Measures required by the Regulatory Action:

The proposed regulatory action will have no negative impacts on the environment, therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action have been assessed, and the following initial determinations to the required statutory categories have been made:

(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. Because the proposed change clarifies the regulation, it is economically neutral.

(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: None.

(c) Cost Impacts on a Representative Private Person or Business: None

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: None
- (h) Effect on Housing Costs: None

INFORMATIVE DIGEST

Existing regulations provide for limited hunting of Nelson bighorn rams in six hunt zones. The proposed change adds a new hunting zone in the White Mountains area and adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed tag numbers were determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3
Zone 2 - Kelso Peak/Old Dad Mountains	4
Zone 3 - Clark/Kingston Mountain Ranges	1
Zone 4 - Orocopia Mountains	0
Zone 5 - San Gorgonio Wilderness	1
Zone 6 – Sheep Hole Mountains	2
Zone 7 - White Mountains	3
Open Zone Fund-Raising Tags	2
TOTAL	16

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