

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

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

- I. Date of Initial Statement of Reasons: December 17, 2010

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 2, 2011
Location: Sacramento

 - (b) Discussion Hearings: Date: March 3, 2011
Location: Los Angeles

Date: April 7, 2011
Location: Folsom

 - (c) Adoption Hearing: Date: May 5, 2011
Location: Ontario

- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for periodic fluctuations in population numbers. Ranges are necessary because final quotas cannot be determined until survey data are analyzed. Surveys are scheduled for February-March, 2011. Analysis of survey results will be completed by the end of March, 2011. Final tag quotas will allow for a biologically appropriate harvest of bulls and cows in the population. Administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior to the time winter elk surveys are completed. The proposed ranges of elk tags for 2011 are as follows:

2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
Roosevelt Elk										
Siskiyou	0-30		0-30							
Del Norte	0-20		0-15							
Marble Mountains	0-30		0-70							
Marble Mtns (Apprentice)		0-4								
Marble Mtns Muzzleloader/ Archery		0-10								
Klamath	0-20		0-20							
Big Lagoon	0-10		0-10							
Northwestern California		0-30								
Rocky Mountain Elk										
Northeastern	0-10		0-30					0-20		
Northeastern Apprentice		0-4								
Roosevelt/Tule Elk										
Mendocino	0-4		0-4							
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-10		0-12							
Period 1 Apprentice	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Multiple-Zone									0-10	0-10
Bishop										
Period 1 Muzzleloader					0-10	0-30				
Period 2 Apprentice	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Independence										
Period 1 Muzzleloader					0-10	0-10				
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Lone Pine										
Period 1 Archery									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Tinemaha & West Tinemaha										
Period 1 Archery									0-30	0-20
Period 2	0-30		0-20							
Period 3	0-30		0-20							
Period 4	0-30		0-20							
Period 5	0-30		0-20							
Tinemaha Mountain										
Period 1			0-8							
Period 2			0-8							
Period 3			0-8							

2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
Period 4			0-8							
Period 5			0-8							
Whitney										
Period 1 Archery									0-30	0-10
Period 2	0-10		0-4							
Period 3	0-10		0-4							
Period 4	0-10		0-4							
Period 5	0-10		0-4							
Grizzly Island										
Period 1	0-12		0-3	0-6						
Period 1 Apprentice	0-2			0-2						
Period 2	0-12		0-3	0-6						
Period 2 Apprentice				0-2						
Period 3	0-12		0-3	0-4						
Period 4	0-4		0-2	0-2						
Period 5	0-4		0-2	0-2						
Fort Hunter Liggett										
Archery Only								0-12	0-20	
Period 1	0-28									
Period 1 Apprentice	0-8									
Period 2	0-32									
Period 3			0-28							
Period 3 Apprentice			0-4							
Muzzleloader Bull					0-12					
Early Season Bull			0-4							
East Park Reservoir										
Period 1			0-4							
Period 3	0-8									
San Luis Reservoir	0-5	0-10	0-10							
Bear Valley	0-2		0-4							
Lake Pillsbury	0-4		0-4							
Alameda			0-4							
Santa Clara			0-4							

2. Modify Season Dates: Fort Hunter Liggett tule elk and Lake Pillsbury tule.

The proposal modifies season dates for the Fort Hunter Liggett hunts. Due to military use constraints, hunt dates are subject to change from year to year.

Existing regulations specify bull and antlerless tag holder's hunt during the same time frame for the Lake Pillsbury tule elk hunt. In an effort to better distribute hunters the proposal modifies season dates for the bull and antlerless hunts at Lake Pillsbury.

3. Modifications to existing hunts: Owens Valley (Tinemaha and West Tinemaha) tule elk and Grizzly Island tule elk.

Currently authorized tags for the Tinemaha and West Tinemaha zones are only valid within that zone. The elk herd distribution within these zones is inconsistent throughout the hunt periods. In an effort to better manage

harvest and increase hunter success the proposal would issue tags that are valid for both zones.

Existing regulations specify three hunt periods during the Grizzly Island elk hunts. In an effort to better distribute hunters the current proposal adds two additional hunt periods without adding additional tags.

4. Modify hunt name: Mendocino tule elk.

Currently the Mendocino elk hunt is classified as a tule elk hunt. Since there are both Roosevelt elk and tule elk within the zone it does not accurately reflect the current status of elk and creates confusion among hunters as to which subspecies they are actually hunting.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332, 1050, and 1575.

Reference: Fish and Game Code sections 203, 203.1, 332, 713, 1575, and 3951.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

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

Final 2010 Environmental Document Regarding Elk Hunting.

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

The Department conducted a public scoping session in Davis on November 18, 2009. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. 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.

2. Modify Season Dates: Fort Hunter Liggett tule elk and Lake Pillsbury tule elk.

No alternatives were identified for the Fort Hunter Liggett Tule Elk Hunt season date modification. Access is entirely controlled by Fort Hunter Liggett

and the new dates are the only option that accommodates military operations while still providing hunter opportunity.

Shortening the number of days for each hunt was considered as an alternate and rejected for the Lake Pillsbury tule elk hunt. The proposed hunt dates distribute the hunters through time while maintaining the same number of hunt days.

3. Modifications to existing hunts: Owens Valley (Tinemaha and West Tinemaha) tule elk and Grizzly Island tule elk.

Reducing the number of tags was considered and rejected as an alternative for issuing tags valid in both the Tinemaha and West Tinemaha zones. Reducing the overall number of tags would eliminate the potential for over harvest of subgroups, but would also reduce hunter opportunity. Issuing tags valid for the Tinemaha and West Tinemaha zone allows the Department to obtain the desired harvest while maintaining hunter opportunity.

Reducing the number of tags was considered and rejected as an alternative to adding additional hunt periods for Grizzly Island. Adding additional hunt periods allows the Department to obtain the desired harvest while maintaining quality hunting opportunities.

4. Modify hunt name: Mendocino tule elk.

No alternatives were identified to changing the name of the Mendocino hunt to more accurately reflect the current elk distribution within the zone.

(b) No Change Alternative:

1. 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 and biological/environmental conditions at desired levels. Retaining current tag quotas for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify desired sex and age ratios which are attained and maintained in part by modifying tag quotas on an annual basis. The no-change alternative would not allow adjustment of tag quotas in response to changing environmental/biological conditions.

2. Modify Season Dates: Fort Hunter Liggett tule elk and Lake Pillsbury tule elk.

The no-change alternative was considered and rejected for the Fort Hunter Liggett tule elk hunt because not adjusting the dates 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.

The no-change alternative was considered and rejected for the Lake Pillsbury elk hunts because it potentially crowds several different hunters during the same time period.

3. Modifications to existing hunts: Owens Valley (Tinemaha and West Tinemaha) tule elk and Grizzly Island tule elk.

The no-change alternative was considered and rejected for modifying the Tinemaha and West Tinemaha tule elk hunts because it does not allow the Department to meet and maintain population objectives.

The no-change alternative for Grizzly Island tule elk was considered and rejected because it does not provide flexibility in distributing hunters while allowing the Department to meet and maintain population objectives.

4. Modify hunt name: Mendocino tule elk.

The no change alternative was considered and rejected for modifying the Mendocino elk hunt name because it creates confusion among hunters as to which subspecies is actually being hunted.

(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 as and less burdensome to the affected private persons than the proposed regulation.

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.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas, modifies hunt dates, adds additional hunt periods, and modifies a hunt name. 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 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.

None.

- (c) Cost Impacts on Private Persons.

The agency 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.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
Roosevelt Elk										
Siskiyou	0-30		0-30							
Del Norte	0-20		0-15							
Marble Mountains	0-30		0-70							
Marble Mtns (Apprentice)		0-4								
Marble Mtns Muzzleloader/ Archery		0-10								
Klamath	0-20		0-20							
Big Lagoon	0-10		0-10							
Northwestern California		0-30								
Rocky Mountain Elk										
Northeastern	0-10		0-30					0-20		
Northeastern Apprentice		0-4								
Roosevelt/Tule Elk										
Mendocino	0-4		0-4							
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-10		0-12							
Period 1 Apprentice	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Multiple-Zone									0-10	0-10
Bishop										
Period 1 Muzzleloader					0-10	0-30				
Period 2 Apprentice	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Independence										
Period 1 Muzzleloader					0-10	0-10				
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Lone Pine										
Period 1 Archery									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							

2011 Proposed Elk Tag Allocation										
Hunt Name	Antlerless	Either Sex	Bull	Spike	Muzzleloader Bull	Muzzleloader Antlerless	Muzzleloader Either Sex	Archery Either Sex	Archery Antlerless	Archery Bull
Tinemaha & West Tinemaha										
Period 1 Archery									0-30	0-20
Period 2	0-30		0-20							
Period 3	0-30		0-20							
Period 4	0-30		0-20							
Period 5	0-30		0-20							
Tinemaha Mountain										
Period 1			0-8							
Period 2			0-8							
Period 3			0-8							
Period 4			0-8							
Period 5			0-8							
Whitney										
Period 1 Archery									0-30	0-10
Period 2	0-10		0-4							
Period 3	0-10		0-4							
Period 4	0-10		0-4							
Period 5	0-10		0-4							
Grizzly Island										
Period 1	0-12		0-3	0-6						
Period 1 Apprentice	0-2			0-2						
Period 2	0-12		0-3	0-6						
Period 2 Apprentice				0-2						
Period 3	0-12		0-3	0-4						
Period 4	0-4		0-2	0-2						
Period 5	0-4		0-2	0-2						
Fort Hunter Liggett										
Archery Only								0-12	0-20	
Period 1	0-28									
Period 1 Apprentice	0-8									
Period 2	0-32									
Period 3			0-28							
Period 3 Apprentice			0-4							
Muzzleloader Bull					0-12					
Early Season Bull			0-4							
East Park Reservoir										
Period 1			0-4							
Period 3	0-8									
San Luis Reservoir	0-5	0-10	0-10							
Bear Valley	0-2		0-4							
Lake Pillsbury	0-4		0-4							
Alameda			0-4							
Santa Clara			0-4							

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposal modifies the following: modifies the period three bull (general and apprentice) from the fourth Wednesday in December to the fourth Thursday in December continuing for twelve consecutive days; modifies the early season bull hunt from the second Tuesday in September to the third Wednesday in August continuing for five consecutive days and reopening on the fourth Wednesday in August continuing for five consecutive days.

Existing regulations specify bull and antlerless tag holder's hunt during the same time frame for the Lake Pillsbury tule elk hunt. The proposal modifies the following: modifies the Lake Pillsbury antlerless hunt from the second Wednesday in September to the Wednesday preceding the second Saturday in September and continuing for ten consecutive days; modifies the Lake Pillsbury bull hunt from the second Wednesday in September to the Monday following the fourth Saturday in September and continuing for ten consecutive days.

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest in the Tinemaha and West Tinemaha zones in the Owens Valley. The proposal will authorize tags valid in both the Tinemaha and West Tinemaha zones utilizing the existing hunt periods. The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations specify three hunt periods during the Grizzly Island elk hunts. In an effort to better distribute hunters the current proposal adds two additional hunt periods. The proposal adds the following hunt periods; Period four, the season for antlerless elk shall open on the second Tuesday in September and continue for four consecutive days, whereas the season for bulls and spike bulls shall open on Thursday following the second Tuesday and continue for four consecutive days; Period five, the season for antlerless elk shall open on the third Tuesday in September and continue for four consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday following the third Tuesday in September and continue for four consecutive days.

Currently the Mendocino elk hunt is classified as a tule elk hunt. Since there are both Roosevelt elk and tule elk within the zone it does not accurately reflect the current status of elk and creates confusion among hunters as to which subspecies they are actually hunting. The proposal modifies the name of the hunt to the Mendocino elk hunt.