

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

Amend Subsection 362,
 Title 14, California Code of Regulations (CCR)
 Re: Nelson Bighorn Sheep

- I. Date of Initial Statement of Reasons: October 29, 2012
- II. Date of Final Statement of Reasons: April 18, 2013
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 12, 2012
Location: Sacramento
 - (b) Discussion Hearings: Date: March 6, 2013
Location: Mt. Shasta
 - (c) Adoption Hearing: Date: April 17, 2013
Location: Santa Rosa

IV. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

Based on the current estimate of populations in each management unit, the Department has recommended the following tag allocations for the 2013–2014 hunt year:

HUNT ZONE	Proposed Tag Allocation	2013-14 Final Tag Allocation
Zone 1 – Marble/Clipper Mountains	1–4	4
Zone 2 - Kelso Peak/Old Dad Mountains	1–4	3
Zone 3 - Clark/Kingston Mountain Ranges	1–2	2
Zone 4 - Orocopia Mountains	1–2	1
Zone 5 - San Gorgonio Wilderness	1–3	1
Zone 6 - Sheep Hole Mountains	1–2	1
Zone 7 - White Mountains	1–5	3
Zone 8 - South Bristol Mountains	1–3	2
Zone 9 – Cady Mountains	1–4	3
Open Zone Fund-Raising Tag	0–1	1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	0–1	1

Kelso Peak/Old Dad Mountains Fund-Raising Tag	0-1	1
TOTAL	9-32	23

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Please see:

“Public Comments and Responses for Mammal Hunting Regulations 2013”

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. Number of Tags

No alternatives were identified. Bighorn sheep license tag quotas must be changed periodically in response to a variety of biological and environmental conditions.

(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 bighorn sheep populations within desired population objectives. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds. Management plans specify minimum desired buck to doe ratios which are attained/maintained in part by modifying tag quotas on an annual basis. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

(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, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. Impact of Regulatory Action:

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

- (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. 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:

Currently, the season dates and tag quotas are established based on surveys and other biological assessments made by Department of Fish and Game (department) biologists during the winter of 2013. Each year the department reviews the population status of individual herds and recommends a range of possible tag quotas based on current production and over-winter survival rates. Adverse impacts to jobs and/or businesses that provide services to various regional hunting zones are not anticipated because of the relatively small number of tags issued to hunters.

Under a normal season, State big game hunters contribute about \$82,624,000 in hunting trip-related expenditures to the State's business sector. This is based on the latest, 2006 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. Adding the indirect and induced effects of this initial revenue contribution and the total benefit to California's economy is normally about \$231,878,000. This is equivalent to about \$87,418,006 in total wage earnings to Californians, or about 1943 jobs in the state. Depending on the final season structure that the Commission adopts, the following statewide impacts to businesses may occur. The potential impacts range from 0 to 1943 jobs. The impacted businesses are generally small and localized businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Most of these businesses do not restrict their commerce to hunting activities alone. Additionally, the long-term intent of the proposed action is to increase sustainability in big game mammals,

subsequently, the long-term viability of these same small businesses.

(c) Cost Impacts on Representative Private Person or Business

The Fish and Game 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.

There are no costs or savings with regard to state agencies or federal funding to the State.

(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.

Updated Informative Digest/Policy Statement Overview

Existing regulation provides for limited hunting of mature Nelson bighorn rams in specified hunt zones of the State. The original proposal changed the number of license tags for each hunt to a series of ranges. The proposal is further modified to provide the final tag allocation based on the Department's annual estimate of the population within each management unit.

No other modifications to the original proposal were made. Pursuant to its April 17, 2013 meeting, the Fish and Game Commission adopted the above referenced changes and final tag quotas as proposed.

HUNT ZONE	Proposed Tag Allocation	2013-14 Final Tag Allocation
Zone 1 – Marble/Clipper Mountains	1–4	4
Zone 2 - Kelso Peak/Old Dad Mountains	1–4	3
Zone 3 - Clark/Kingston Mountain Ranges	1–2	2
Zone 4 - Orocopia Mountains	1–2	1
Zone 5 - San Gorgonio Wilderness	1–3	1
Zone 6 - Sheep Hole Mountains	1–2	1
Zone 7 - White Mountains	1–5	3
Zone 8 - South Bristol Mountains	1–3	2
Zone 9 – Cady Mountains	1–4	3
Open Zone Fund-Raising Tag	0–1	1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	0–1	1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0–1	1
TOTAL	9–32	23

Section 362, Title 14, CCR is amended to read:

§362. Nelson Bighorn Sheep.

(a) Areas:

(1) Zone 1 - Marble/Clipper Mountains: That portion of San Bernardino County beginning at the intersection of Kelbaker Road and the National Trails Highway; north on Kelbaker Road to the junction with Interstate Highway 40; east on Interstate Highway 40 to the intersection with National Trails Highway; southwest on National Trails Highway to junction with Kelbaker Road.

(2) Zone 2 - Kelso Peak and Old Dad Mountains: That portion of San Bernardino County beginning at the intersection of Kelbaker Road and the Union Pacific Railroad in Kelso; southwest along the Union Pacific Railroad to intersection with unnamed road at Crucero; north on unnamed road to the merging with Mojave Road; northeast on Mojave Road to the junction with Zzyzx Road; north on Zzyzx Road to intersection with Interstate Highway 15; northeast on Interstate Highway 15 to the intersection with Cima Road; south on Cima Road to the intersection with the Union Pacific Railroad in Cima; southwest on the Union Pacific Railroad to the intersection with Kelbaker Road in Kelso.

(3) Zone 3 - Clark and Kingston Mountain Ranges: That portion of San Bernardino and Inyo counties beginning at the intersection of Interstate Highway 15 and California State Highway 127 in Baker; north on California State Highway 127 to the junction with Old Spanish Gentry Road at Tecopa; southeast on Old Spanish Gentry Road to the junction with Furnace Creek Road; southeast on Furnace Creek Road to the junction with Mesquite Valley Road; north on Mesquite Valley Road to Old Spanish Trail Highway; north and east on Old Spanish Trail Highway to California/Nevada state line; southeast on California/Nevada state line to the intersection with Interstate Highway 15; southwest on Interstate Highway 15 to the junction with California State Highway 127.

(4) Zone 4 - Orocopia Mountains: That portion of Riverside County beginning at the intersection of Interstate Highway 10 and Cottonwood Springs Road; east on Interstate Highway 10 to the junction with Red Cloud Mine Road; south on Red Cloud Mine Road to the junction with the Eagle Mountain Mining Railroad; southwest on the Eagle Mountain Mining Railroad to the junction with the Bradshaw Trail; southwest on the Bradshaw Trail to the Intersection with the Coachella Canal; west along the Coachella Canal to the junction with Box Canyon Road; northeast on Box Canyon Road to the junction with Cottonwood Springs Road; north on Cottonwood Springs Road to the intersection with Interstate Highway 10.

(5) Zone 5 - San Gorgonio Wilderness: That portion of Riverside and San Bernardino counties beginning at the intersection of Interstate Highway 10 and California State Highway 62, west on Interstate Highway 10 to the junction with California State Highway 30; north on California State Highway 30 to the junction with California State Highway 38; east and north on California State Highway 38 to the junction with Forest Service Route 1N01; east on Forest Service Route 1N01 to its joining with Pipes Road; east on Pipes Road to the junction with Pioneertown Road; southeast on Pioneertown Road to the junction with California State Highway 62; southwest on California State Highway 62 to the intersection with Interstate Highway 10.

(6) Zone 6 - Sheep Hole Mountains: That portion of San Bernardino County beginning at the junction of California State Highway 62 and Ironage Road; northwest on Ironage Road to the intersection with Amboy Road; north on Amboy Road to the intersection with National Trails Highway; east on National Trails Highway to the junction with Saltus Road; southeast on Saltus Road to the junction with unnamed road in Saltus that runs through Cadiz Valley; southeast on unnamed road to the intersection with California

State Highway 62; west on California State Highway 62 to the junction with Ironage Road.

(7) Zone 7 - White Mountains: That portion of Mono County within a line beginning at U.S. Highway 6 and the Mono-Inyo county line; northward on Highway 6 to the California-Nevada State Line; southeasterly along the California-Nevada State Line to the Mono-Inyo County Line; westward along the Mono-Inyo County Line to the point of beginning.

(8) Zone 8 - South Bristol Mountains: That portion of San Bernardino County beginning at the junction of Kelbaker Road and the National Trails Highway; west on the National Trails Highway to the intersection with Interstate Highway 40; east on Interstate Highway 40 to the junction with Kelbaker Road; south on Kelbaker Road to the point of beginning.

(9) Zone 9 - Cady Mountains: That portion of San Bernardino County beginning at the junction of Interstate Highway 40 and Newberry Road; north on Newberry Road to intersection with Riverside Road; East on Riverside Road to junction with Harvard Road; north on Harvard Road to junction with Interstate Highway 15; northeast on Interstate Highway 15 to junction with Basin Road; south on Basin Road to intersection with Union Pacific Railroad; east on Union Pacific Railroad to intersection with Crucero Road; south on Crucero Road to intersection with Interstate Highway 40; west on Interstate Highway 40 to the point of beginning.

(b) Seasons:

(1) Open Zone Fund-raising Tag: The holder of the fund-raising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) Zones 1 through 4, 6, 8 and 9: Beginning the first Saturday in November and extending through the first Sunday in February.

(B) Zone 5: Beginning the third Saturday in November and extending through the third Sunday in February.

(C) Zone 7: Beginning the first Saturday in August and extending through the last Sunday in September.

(2) Marble/Clipper/South Bristol Mountains Fund-raising Tag: The holder of the fund-raising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) Zones 1 and 8: Beginning the first Saturday in November and extending through the first Sunday in February.

(3) Kelso Peak and Old Dad Mountains Fund-raising Tag: The holder of the fund-raising license tag issued pursuant to subsection 4902(d) of the Fish and Game Code may hunt:

(A) Zone 2: Beginning the first Saturday in November and extending through the first Sunday in February.

(4) Except as provided in subsection 362(b)(1), the Nelson bighorn sheep season in the areas described in subsection 362(a) shall be defined as follows:

(A) Zones 1 through 4, 6, 8 and 9: The first Saturday in December and extend through the first Sunday in February.

(B) Zone 5: The third Saturday in December and extend through the third Sunday in February.

(C) Zone 7: Beginning the third Saturday in August and extending through the last Sunday in September.

(5) Except as specifically provided in section 362, the take of bighorn sheep is prohibited.

(c) Bag and possession Limit: One mature ram defined as follows: a male Nelson bighorn sheep (*Ovis canadensis nelsoni*) having at least one horn, the tip of which extends beyond a point in a straight line beginning at the front (anterior) edge of the horn base, and extending downward through the rear (posterior) edge of the visible portion of the eye and continuing downward through the horn. All reference points are based on viewing the ram directly from a 90 degree angle from which the head is facing. A diagram showing the correct viewing procedure shall be distributed by the department to each successful applicant.

(d) Number of License Tags:

<i>Nelson Bighorn Sheep Hunt Zones</i>	<i>Tag Allocation</i>
Zone 1 – Marble/Clipper Mountains	4
Zone 2 - Kelso Peak/Old Dad Mountains	4 <u>3</u>
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	<u>2</u> 1
Zone 6 - Sheep Hole Mountains	<u>2</u> 1
Zone 7 - White Mountains	4 <u>3</u>
Zone 8 - South Bristol Mountains	2
Zone 9 – Cady Mountains	3
Open Zone Fund-Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	1
Total:	<u>27</u> <u>23</u>

(e) Conditions

(1) Nelson bighorn rams shall only be taken between one-half hour before sunrise and one-half hour after sunset.

(2) Only methods specified in sections 353 and 354, Title 14, CCR, for taking bighorn sheep may be used.

(3) Each tagholder shall possess a spotting telescope capable of magnification of 15 power (15X), which is not affixed to a rifle, while hunting.

(4) Successful general tagholders shall present the head and edible portion of the carcass of a bighorn ram to the department's checking station within 48 hours after killing the animal. All successful tagholders shall notify the department's Bishop office by telephone at (760) 872-1171 or (760) 413-9596 within 24 hours of killing the animal and arrange for the head and carcass to be examined.

(5) All successful bighorn sheep tagholders shall make the horns of each ram available to the department to be permanently marked in the manner prescribed by the department for identification purposes within 48 hours of killing the animal. The purpose of the permanent marking shall be to identify Nelson bighorn rams which were legally taken and which may be transported and possessed outside the areas described in subsection 362(a).

(6) The department reserves the right to take and use any part of the tagholder's bighorn ram, except the horns, for biological analysis as long as no more than one pound of edible meat is removed.

Note: Authority cited: 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.