

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL 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. 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

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

This proposed regulatory action initially provides for the number of tags for bighorn sheep hunting. Existing regulations specify the number of bighorn sheep hunting tags for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, tag quotas for hunts need to be adjusted periodically. Final tag quotas for each zone will be identified and reported in the Final Statement of Reasons based upon the Department's annual estimate of the population in each management unit.

Final tag quotas will allow for a biologically appropriate harvest of bighorn sheep. Unfortunately, administrative procedures and the Fish and Game Code require the Fish and Game Commission to receive proposed changes to existing regulations prior the completion of surveys and analyses are completed, thus necessitating a range of numbers. Analyses are scheduled for completion by February 2013.

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 the Department's annual estimate of the population in each management unit.

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	Tag allocation	Tag allocation (proposed)
Zone 1 - Marble/Clipper Mountains	4	1-4
Zone 2 - Kelso Peak/Old Dad Mountains	4	1-4
Zone 3 - Clark/Kingston Mountain Ranges	2	1-2
Zone 4 - Orocopia Mountains	1	1-2
Zone 5 - San Gorgonio Wilderness	2	1-3
Zone 6 - Sheep Hole Mountains	2	1-2
Zone 7 – White Mountains	4	1-5
Zone 8 - South Bristol Mountains	-	1-3
Zone 9 – Cady Mountains	-	1-4
Open Zone Fund-raising Tag	1	0-1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	-	0-1
Kelso Peak/Old Dad Mountains Fund-raising Tag	1	0-1
TOTAL	22	9-32

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 the survey and monitoring efforts indicate that the ram populations are higher than the number observed during aerial surveys. The final number of tags will be identified and reported in the Final Statement of Reasons based upon the Department's annual estimate of the population in each management unit.

(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:

Economic Impact Analysis

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

Public Scoping at November 7, 2012 Fish and Game Commission meeting in Los Angeles.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

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 desired percentage harvest levels on an annual basis. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

V. Mitigation Measures Required by Regulatory Action:

The 2011 Draft Environmental Document Regarding Bighorn Sheep Hunting discloses the proposed action and potential impacts related to that action.

The 2005 Final Environmental Document Regarding Bighorn Sheep Hunting also discloses the proposed action and potential impacts related to that action.

VI. Impact of Regulatory Action/Results of the Economic Impact Analysis

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:

The proposed mammal regulations will not have impacts to jobs and/or businesses in California.

Health and Welfare of California Residents: Hunting is an outdoor activity that can provide several benefits for individuals who partake in it and for the environment.

The proposed mammal regulations will not have impacts to worker safety.

Benefits to the Environment: Ensure a sustainable management of big game populations in California.

- (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.

**INFORMATIVE DIGEST
(Policy Statement Overview)**

The existing regulation provides for limited hunting of 27 Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on Department's annual estimate of the population in the management unit. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 2012 estimate of the bighorn sheep population in each zone. Tags are proposed to ensure the take of no more than 15 percent of the mature rams estimated in each zone. Final tag quota determinations will be completed by February of 2013 pending completion of analyses.

The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	1-4
Zone 2 - Kelso Peak/Old Dad Mountains	1-4
Zone 3 - Clark/Kingston Mountain Ranges	1-2
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Gorgonio Wilderness	1-3
Zone 6 - Sheep Hole Mountains	1-2
Zone 7 - White Mountains	1-5
Zone 8 - South Bristol Mountains	1-3
Zone 9 - Cady Mountains	1-4
Open Zone Fund-Raising Tag	0-1
Marble/Clipper/South Bristol Mountains Fund-Raising Tag	0-1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0-1
TOTAL	9-32