

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

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

- I. Date of Initial Statement of Reasons: September 24, 2013
- II. Date of Final Statement of Reasons: April 18, 2014
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 11, 2013
Location: San Diego, CA
 - (b) Discussion Hearing: Date: February 5, 2014
Location: Sacramento, CA
 - (c) Adoption Hearing: Date: April 16, 2014
Location: Ventura, CA
- IV. Update:

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

Based on results of surveys contained in the “Data Supplement to The California Fish and Game Commission, Regarding: Recommended 2014 Elk Tag Ranges (Updated 2013 Elk Harvest and Population Estimates)”, the Department recommended the following changes from 2013 for Elk tag quotas for 2014 as indicated in the initial proposal with additional of minor edits for clarity.

Pursuant to its April 16, 2014 meeting, the Fish and Game Commission adopted the final elk quotas as follows:

Hunt Code	Hunt Name	2014 Tag Allocations
408	Marble Mountains either-sex (Apprentice Hunt)	2
409	Northeastern California either-sex (Apprentice Hunt)	2
484	Cache Creek Period 1 bull (Apprentice Hunt)	1
464	La Panza Period 1 antlerless (Apprentice Hunt)	1
466	Grizzly Island Period 1 antlerless (Apprentice Hunt)	2
469	Grizzly Island Period 2 spike bull (Apprentice Hunt)	2

471	Fort Hunter Liggett Period 1 antlerless (Apprentice Hunt)	1
472	Fort Hunter Liggett Period 3 bull (Apprentice Hunt)	1
Hunt Code	Hunt Name	2014 Tag Allocations
411	Northeastern CA Archery either-sex	10
422	Owens Valley Multiple Zone Archery bull	5
312	Tinemaha Period 1 Archery bull	1
449	Fort Hunter Liggett Archery only either-sex	2
450	Fort Hunter Liggett Archery only antlerless	4
303	Marble Mountains Muzzleloader/Archery either-sex	5
487	Bishop Period 1 Muzzleloader bull	2
308	Independence Period 1 Muzzleloader bull	2
401	Siskiyou antlerless	20
300	Siskiyou bull	20
403	Big Lagoon bull	5
483	Northwestern California either-sex	30
405	Klamath bull	5
301	Marble Mountain antlerless	10
302	Marble Mountain bull	35
327	Mendocino antlerless	2
328	Mendocino bull	2
304	Northeastern CA antlerless	10
305	Northeastern CA bull	15
406	Cache Creek Period 1 bull	2
416	Cache Creek Period 2 antlerless	2
417	La Panza Period 1 antlerless	5
419	La Panza Period 1 bull	6
418	La Panza Period 2 antlerless	6
420	La Panza Period 2 bull	6
490	Bishop Period 3 bull	2
340	Independence Period 2 bull	2
349	Independence Period 3 bull	2
309	Independence Period 4 antlerless	2
486	Lone Pine Period 2 bull	2
496	Lone Pine Period 3 bull	2
429	Lone Pine Period 4 bull	2
315	West Tinemaha Period 1 bull	2
317	West Tinemaha Period 2 bull	2
320	Tinemaha Mountain Period 3 bull	1
323	Whitney Period 2 bull	1
352	Whitney Period 3 bull	1
433	Grizzly Island Period 1 antlerless	4
436	Grizzly Island Period 2 antlerless	6
437	Grizzly Island Period 2 spike bull	3

439	Grizzly Island Period 3 antlerless	6
440	Grizzly Island Period 3 spike bull	4
Hunt Code	Hunt Name	2014 Tag Allocations
442	Grizzly Island Period 4 antlerless	6
350	Grizzly Island Period 4 spike bull	2
341	Grizzly Island Period 4 bull	2
443	Grizzly Island Period 5 antlerless	6
351	Grizzly Island Period 5 spike bull	2
338	Grizzly Island Period 5 bull	2
444	Fort Hunter Liggett Period 1 antlerless	4
448	Fort Hunter Liggett Period 2 antlerless	4
447	Fort Hunter Liggett Period 3 bull	4
461	East Park Reservoir bull	2
463	East Park Reservoir antlerless	2
497	San Luis Reservoir either-sex	3
329	Bear Valley antlerless	1
330	Bear Valley bull	1
331	Lake Pillsbury antlerless	4
332	Lake Pillsbury bull	2
334	Santa Clara bull	1
-	Multi-Zone Fund Raising bull	1
-	Grizzly Island Fund Raising bull	1
-	Owens Valley Fund Raising bull	1
**335	Fort Hunter Liggett Early Season bull	2
**342	Fort Hunter Liggett Early Season antlerless	1
**444	Fort Hunter Liggett Period 1 antlerless	4
**448	Fort Hunter Liggett Period 2 antlerless	4
**447	Fort Hunter Liggett Period 3 bull	4
**471	Fort Hunter Liggett Period 1 antlerless (Apprentice Hunt)	1
**472	Fort Hunter Liggett Period 3 bull (Apprentice Hunt)	1
**449	Fort Hunter Liggett Archery only either-sex	2
**450	Fort Hunter Liggett Archery only antlerless	4
	TOTAL TAGS ALLOCATED	342

** Military only tags

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

Comments received from the public regarding proposed amendments to Section 364 are included in Attachment A along with the Department's responses.

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 Wildlife
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. 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.

No alternatives were identified for the modification of season dates. Access to Fort Hunter Liggett is entirely controlled by the base commander and new dates are the only option that accommodates military operations while still providing hunter opportunity.

3. Minor Editorial Changes

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification. There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Number of Tags

The no-change alternative was considered but not chosen 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.

The no-change alternative was considered for the Fort Hunter Liggett tule elk hunts but not chosen. Leaving the dates the same 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.

Due to military operations, season days and dates for Fort Hunter Liggett were adjusted during the rulemaking process by the Commanding Officer. Fort Hunter Liggett is entirely controlled by the base commander and the new dates are the only option that accommodates military operations while still providing hunter opportunity. Leaving the dates the same as what was originally proposed would essentially close any hunting opportunities if they are not adjusted.

3. Minor Editorial Changes

The “No Change Alternative” was considered and found inadequate to attain the project objectives, because inconsistencies in spelling, grammar and lack of clarification would exist within the regulations, potentially leading to confusion and possible violations.

(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 the 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.

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 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. 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

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.

The proposed action will not have significant impacts on jobs or business within California. The proposed action adjusts tag quotas for existing hunts based on herd performance criteria. Given the number of tags historically available, the minimal adjustments in tag numbers that are anticipated for the 2014 hunting season, and the area over which they are distributed (entire State of California), these proposals are economically neutral to jobs or business within California.

- (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.

Updated Informative Digest/Policy Statement Overview

Due to military operations, season days and dates for Fort Hunter Liggett were adjusted during the rulemaking process by the Commanding Officer. Fort Hunter Liggett is entirely controlled by the base commander and the new dates are the only option that accommodates military operations while still providing hunter opportunity. Leaving the dates the same as what was originally proposed would essentially close any hunting opportunities if they are not adjusted.

Existing regulations specify elk license tag quotas for each hunt. It is necessary to adjust quotas periodically in response to dynamic environmental and biological conditions and to provide additional hunting opportunity, where warranted. The original proposal provided a series of tag ranges for the Commission to select and adopt.

The original proposal changed the number of license tags for the hunts to a series of ranges. The proposal is further modified to provide the final tag quotas based on updated harvest and population analysis contained in the “Data Supplement To The California Fish and Game Commission, Regarding: Recommended 2014 Elk Tag Allocations (Updated 2013 Elk Harvest and Population Estimates)”. The number of tags proposed is intended to provide an appropriate level of elk hunting opportunity and harvest while achieving or maintaining management and population objectives. These final values for the license tag numbers are based upon findings from annual harvest and population surveys. Additional minor edits for clarity to the original proposal were made.

Pursuant to its April 16, 2014 meeting, the Fish and Game Commission adopted the above referenced changes and final tag quotas as proposed.

2014 Final Elk Tag Allocation

Hunt Code	Hunt Name	2014 Tag Allocations
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