

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: September 24, 2013

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 11, 2013
 Location: San Diego, CA.

(b) Discussion Hearings: Date: February 5, 2014
 Location: Sacramento, CA

(c) Adoption Hearing: Date: April 16, 2014
 Location: Ventura, CA

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 accordance with management goals and objectives, and in order to maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed regulation 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 January-March, 2014. Analysis of survey results will be completed by the end of March, 2014. 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 2014 are presented in the Informative Digest.

2. Modify Season Dates and Tag Distribution: Fort Hunter Liggett tule elk

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

3. Minor Editorial Changes

Minor editorial changes are necessary for consistency in subsection numbering, spelling, grammar, and clarification.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332 and 1050.
Reference: Fish and Game Code sections 203, 203.1 and 332.

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

None.

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

[Economic Impact Assessment](#)

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

Public Scoping was held at the 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. Elk license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure and overwinter survival rates.

2. Modify Season Dates and Tag Distribution: Fort Hunter Liggett tule elk

No alternatives were identified for the Fort Hunter Liggett Tule Elk Hunt season date and tag distribution modifications. Access is entirely controlled by Fort Hunter Liggett and the new dates and tag distribution are the only option that accommodates military operations while still providing hunter opportunity.

3. Minor Editorial Changes

There is no reasonable alternative to the proposed action.

(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 responding to biological/environmental conditions and maintaining elk populations 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 and Tag Distribution: Fort Hunter Liggett tule elk,

The no-change alternative was considered and rejected for the Fort Hunter Liggett tule elk hunt because not adjusting the dates and tag distribution is not acceptable to the military base. Military use has priority over the hunting program and the new dates and tag distribution meet the needs of the base. The hunts would be eliminated if the dates and tag distribution were not allowed to change.

3. Minor Editorial Changes.

The “No Change Alternative” was considered and found inadequate to attain the project objectives, because inconsistencies in section and subsection references, numbering, 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 purpose for which the regulation is proposed, would be as effective and less burdensome to 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.

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. The maximum number of tags available in the newly proposed range is at or below the number of tags analyzed in the 2009 Final Environmental Document Regarding Elk hunting.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas. 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; 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.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with elk herd 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. Final tag allocations will be made in accordance with elk management goals and objectives based on the results of survey data collected in January – March 2014.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives. The proposed quota ranges of elk tags for 2014 are as follows:

2014 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
General Roosevelt Elk Hunts				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
General Rocky Mountain Elk Hunts				
Northeastern California	0-30	0-10		
General Roosevelt/Tule Elk Hunts				
Mendocino	0-4	0-4		
General Tule Elk Hunts				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		

2014 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6
Fort Hunter Liggett Period 1		0-16		
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
Apprentice Hunts				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2
Fort Hunter Liggett Period 1		0-4		
Fort Hunter Liggett Period 2		0-4		
Fort Hunter Liggett Period 3	0-2			
Archery Only Hunts				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
Muzzleloader Only Hunts				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		
Fort Hunter Liggett Muzzleloader Only	0-6			
Muzzleloader/Archery Only Hunts				
Marble Mountains Muzzleloader/Archery Only			0-10	
Fund Raising Tags				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
Military Only Elk Tags				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			