

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

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

I. Date of Initial Statement of Reasons: September 15, 2014

II. Date of Pre-adoption Statement of Reasons: March 16, 2015

III. Date of Final Statement of Reasons: April 10, 2015

IV. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 3, 2014
Location: Van Nuys, CA

(b) Discussion Hearing: Date: February 12, 2015
Location: Sacramento, CA

(c) Adoption Hearing: Date: April 9, 2015
Location: Santa Rosa, CA

V. Update:

Pursuant to its April 9, 2015 meeting in Santa Rosa, the Fish and Game Commission adopted the final tag quotas for bighorn sheep hunting recommended in the Updated Informative Digest and identified as the 2015-16 Final Tag Allocation. Only the quotas for Zones 1 and 4 are recommended to be changed, the remaining zones will not be changed from current levels.

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

Responses to public comments, oral or in writing, regarding all proposed 2015-2016 mammal hunting regulations received through April 9, 2015 are included as Attachment A.

VII. 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

VIII. Location of Department files:

Department of Fish and Wildlife
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternative was identified.

(b) No Change Alternative:

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.

(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.

X. 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 Businesses 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. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are 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.

It is unlikely that the proposed regulation will result in the creation or elimination of jobs within the state, cause the creation of new businesses or the elimination of existing businesses or result in the expansion of businesses in California because the overall number of tags issued is small and the resulting hunting effort is spread over a large geographic area.

(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 the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) 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 regulations provide for limited hunting of 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 population estimates in the management units. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's 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 April of 2015 pending completion of population surveys and associated analyses.

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

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

Benefits of the regulations

The Nelson Bighorn Sheep management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate Nelson Bighorn Sheep hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to Nelson Bighorn Sheep tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

UPDATE

Pursuant to its April 9, 2015 meeting, the Fish and Game Commission adopted the above referenced changes and final tag quotas as recommended in the “Recommended 2015 Bighorn Sheep Tag Allocations” Data Supplement. Only the quotas for Zones 1 and 4 are recommended to be changed, the remaining zones will not be changed from current levels.

HUNT ZONE	Current Tag Allocation	2015-16 Final Tag Allocation
Zone 1 – Marble/Clipper Mountains	4	3
Zone 2 - Kelso Peak/Old Dad Mountains	0	0
Zone 3 - Clark/Kingston Mountain Ranges	1	1
Zone 4 - Orocopia Mountains	2	1
Zone 5 - San Gorgonio Wilderness	2	2
Zone 6 - Sheep Hole Mountains	0	0
Zone 7 - White Mountains	1	1
Zone 8 - South Bristol Mountains	1	1
Zone 9 – Cady Mountains	2	2
Open Zone Fund-Raising Tag	1	1
Marble/Clipper/South Bristol Mountains Fund-raising Tag	0	0
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0	0
TOTAL	14	12