

Proposed Actions and Reasons for Rejecting those considerations:

Section 300 – Upland Game Birds

Description of Proposed Action by Public:

Change the bag limit on turkeys to four per spring season, and eliminate the daily bag limit.

Proposal Source:

James Morehead
Petaluma, CA
April 16, 2007 (letter)

Recommendation:

Reject

Analysis:

The Department believes that the existing limit of three turkeys during the spring season and one per day are reasonable, and that they are supported by most turkey hunters in California. (This individual also requested an increased bag limit for tree squirrels. That proposal does not relate to the current rulemaking. This recommendation has been forwarded to appropriate staff members for review.)

Description of Proposed Action by Public:

Allow falconry hunting seasons for upland game birds that begin earlier and end later than the general seasons.

Proposal Source:

Thomas Stephan
California Raptor Awareness Group
December 26, 2005 (e-mail)

Recommendation:

Reject.

Analysis:

Falconry seasons for most upland game birds are now from October 1 through the last day in February, so they begin earlier and end later than the general season for most species. The Department is not aware that other falconers are dissatisfied with the current season. However, so few people hunt with falcons that a longer season would not be expected to have a substantial effect on upland game bird populations, and may be considered in the future.

Description of Proposed Action by Public:

Expand the pheasant hunting season from the current six weeks to eight weeks.

Proposal Source:

Jim Brown
San Diego, CA
July 7, 2005 (letter)

Recommendation:

Reject

Analysis:

The Department believes that the existing pheasant season is a reasonable length, and is generally supported by most pheasant hunters. Although a longer season would have little effect on the population, since only male pheasants may be taken, opposition to a longer season could be anticipated. This is because pheasant numbers have decreased substantially in California, because of changes in agricultural practices.

Description of Proposed Action by Public:

Reduce the pheasant season to 30 days, and reduce the pheasant bag limit to two per day.

Proposal Source:

Colusa County Fish and Game Advisory Commission
February 4, 2005 (letter)

Recommendation:

Reject

Analysis:

The Department recognizes that pheasant numbers have decreased substantially on agricultural lands in California. However, reducing the season length and bag limit, when only male pheasants may be taken, would not increase populations. In fact, providing a season of reasonable length may actually benefit pheasants, because it may encourage landowners who are managing wildlife habitat (such as duck clubs) to use practices that favor pheasants. The Department has an active program of providing information to landowners regarding ways to produce more pheasants.

Description of Proposed Action by Public:

Provide a youth spring hunting season for turkeys during the weekend before the general season, rather than during the two-week period after the general season, as the Department proposed.

Proposal Source:

Ryan Mathis – National Wild Turkey Federation
Bill Gaines – California Outdoor Heritage Alliance
Brian Berhans – National Wild Turkey Federation
(statements at Commission meeting – June 8 and July 13, 2007)

Recommendation:

Reject

Analysis:

Although a youth turkey hunting season prior to the general season is a reasonable alternative to the Department's proposal, the Department believes that a longer season will provide more opportunity. The Department will monitor public participation and comments regarding this additional hunting opportunity, and may propose an earlier season in the future.

Description of Proposed Action by Public:

Provide a youth spring hunting season for turkeys during the two-week period after the general season, as the Department proposed, and not prior the general season as requested by the National Wild Turkey Federation.

Proposal Source:

Ed Migale
Chico, CA
(letter – July 8, 2007)

Recommendation:

Accept

Description of Proposed Action by Public:

Delete the closure to fall turkey hunting in San Diego County, which is the only county in the state where turkeys may not be hunted in the fall season.

Proposal Source:

Stan Landess – National Wild Turkey Federation, San Diego
(oral statement at Commission meeting – June 8, 2007)

Recommendation:

Reject

Analysis

This suggestion will be considered during the coming year, and may be proposed by the Department in the future. In the past, it appeared that public opinion was generally opposed to allowing fall turkey hunting in San Diego County, but this may no longer be the case.

Description of Proposed Action by Public:

Require hunters to mail reports of success in sage grouse hunting to the department.

Proposal Source:

Paul Weakland – San Jose, CA
(oral statement at Commission meeting – July 13, 2007)

Recommendation:

Reject

Analysis

A regulation change is unnecessary, since the Department currently gathers information on success by sage grouse hunters through contacting them in the field and by mail.

Description of Proposed Action by Public:

Delete the bag limit (24 per day) on crows.

Proposal Source:

Jim Rudd – Crowbusters

Merle Thiner - Kansas

(e-mails September 22 and 25, 2006)

Recommendation:

A change in the bag limit on crows is not being considered during this rulemaking, but may be considered at a future time.

Description of Proposed Action by Public:

Classify ravens as predators and allow hunting of them on a limited basis.

Proposal Source:

Modoc County Fish, Game, and Recreation Commission

(letter dated April 9, 2007)

Analysis:

The Commission does not currently have the authority to allow the take of ravens. The take of this species is controlled by the U.S. government, under the authority of the Migratory Bird Treaty Act. (This letter also proposed allowing the take of bears in all of Modoc County, an emergency hunt of mountain lions, a reward for reporting poachers, changes in regulations for muzzleloaders, and a junior deer hunt in Modoc County. None of these issues pertains to the current rulemaking. These recommendations have been forwarded to appropriate staff members for review.)

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 Game

1416 Ninth Street

Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

The following reasonable alternatives were identified in the Initial Statement of Reasons:

1. Season and Bag Limit for Doves – addition of Eurasian collared-doves

A feasible alternative to the Department's proposal to include Eurasian collared-doves in the existing dove season and bag and possession limits would be to include them in the existing dove season, but to allow an unlimited number to be taken. This is the approach that has been taken by some other states. An advantage of this alternative is that it would provide additional hunter opportunity. A disadvantage is that it would slightly complicate dove hunting regulations, and might make enforcement more difficult.

2. Youth Hunting Season for Turkeys

A feasible alternative to the Department's proposal to provide a youth hunting season for turkeys (using all legal methods of take) during the same two-week period as the current extended archery season, would be to provide a youth hunting season during the weekend prior to the opening of the general spring turkey season. A possible advantage to young hunters might be that the birds would not have been hunted yet that season, and thus might be less wary. A disadvantage might be that this alternative may generate a negative reaction among other hunters, who feel that the earlier season would reduce their own hunting success.

(b) No change Alternative:

The no change alternative was considered and found to be inadequate because of the following:

- Difficulties with enforcement of game bird regulations due to inability to identify bird carcasses in the field would continue.
- Opportunities for hunters to take Eurasian collared-doves would not be provided.
- Opportunities for additional turkey hunting for young hunters would not be increased.
- Existing sage grouse hunting permit numbers may be inappropriate relative to populations.
- Confusion regarding minor errors or conflicts in upland game bird hunting regulations would continue.

- (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 or would be as effective and less burdensome to the affected private persons than the proposed regulation.

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 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 regulation change is sufficiently minor that there would be no significant economic impact to businesses.

- (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:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency 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

1. Possession, Transportation, and Importation of Game Birds

Current regulations do not require resident game birds, once killed, to be kept in a condition where the species can be identified. Most migratory game birds are required to have a fully feathered wing or head attached while in the field or being transported. The FGC does require that pheasants be kept in a condition where sex can be determined. In some locations, hunting seasons for quail are different for different species in the same area. Unless there is a requirement to maintain a way of readily identifying the carcass of a game bird in the field, enforcement of species specific regulations is difficult. This proposal would change Section 251.7(b) to require that a head or feathered wing be retained on all game birds while they are being transported.

2. Resident Small Game Defined (addition of Eurasian collared-doves)

Current wording of Section 257 does not list Eurasian collared-doves as a resident small game species. This dove has become established in much of the U.S., including southern California, and is considered by some to be an invasive species, since its range and population are expanding rapidly. Because it is not specifically listed as a resident game species in Section 257, it is considered a non-game species and may not be taken. Chinese spotted doves and ringed turtle-doves are listed in Section 257 as small game species. This proposal would add Eurasian collared-doves to Section 257, which would eliminate the unnecessary protection of them while providing additional opportunity for hunters.

3. Sage Grouse Hunting Permits

Existing regulations [Section 300(a)(1)(D)(4)] allow 125 two-bird permits for the East Lassen Zone, 50 two-bird permits for the Central Lassen Zone, 20 one-bird permits for the North Mono Zone, and 35 one-bird permits for the South Mono Zone. Under the current regulatory cycle, the Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department proposed a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on strutting ground counts conducted in April.

The originally proposed ranges were 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone. **The final permit quotas proposed by the Department, and adopted by the Commission, are as follows: East Lassen Zone, 20 two-bird permits; Central Lassen Zone, 15 two-bird permits; North Mono Zone, 25 one-bird permits; South Mono Zone, 35 one-bird permits.**

4. Youth Hunting Season for Turkeys

This proposal is to add a youth hunting season for spring turkey hunting. Under this proposal, hunters with junior hunting licenses would be allowed to hunt with any method authorized for the taking of small game during the extended archery season for turkeys. The Department believes that, since only bearded turkeys (the vast majority of which are males) would be legal to take during this season, turkey populations would not be adversely effected. Under current regulations, roughly ten percent of the estimated turkey population statewide is taken by hunters annually. The proposed youth hunting season would not be expected to add substantially to the annual harvest.

5. Licensed Game Bird Clubs – Shooting Hours

Shooting hours for taking domestically reared game birds on licensed game bird clubs are from one-half hour before sunrise to one-half hour after sunset [section 600(a)(11)(A)]. This has caused confusion for hunters and some difficulty for Department Enforcement personnel, since shooting hours for waterfowl and most other upland game birds end at sunset. Also, shooting hours for pheasants begin at 8:00, not one-half hour before sunrise. This proposal is to change Section 600(a)(11)(A) to make shooting hours for domestically reared game birds on licensed game bird clubs consistent with shooting hours for upland game birds in general. **This proposal was not adopted by the Commission.**

6. Minor changes are proposed for clarity.

The Commission adopted the regulations as proposed by the Department at the adoption hearing, except for the proposal to change shooting hours on Licensed Game Bird Clubs (Subsection 600(a)(11)(A)). Shooting hours on Licensed Game Bird Clubs were not changed. However, it has been discovered that the phrase “(Pursuant to Section 310.5, Title 14, CCR)” which was at one time inserted into subsection 600(a)(11)(A) is not accurate and is deleted from this subsection for clarity.