

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 203.1, 205, 206, 208, 215, 220, 240, 355, 3000, and 3270, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, 356, 3000, 3270, 3500 and 4304 of said Code, proposes to amend sections 251.7, 257, 300 and 600, Title 14, California Code of Regulations, relating to Possession of Game Birds, Resident Small Game Defined, Seasons and Bag Limits for Upland Game Birds and Regulations for Licensed Game Bird Clubs.

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. Regulations require that pheasants be kept in a condition where sex can be determined. In some locations, hunting seasons for quail are different than hunting seasons 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 subsection 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), and Season Bag Limit for 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.

In addition, this proposal would add Eurasian-collared doves to subsection 300(b), and include them in the existing season and bag limit for doves.

3. Sage Grouse Hunting Permits

Existing regulations [subsection 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 is proposing 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.

To allow the Department to recommend appropriate hunting permit quotas which reflect the results of population surveys, ranges of permit quotas are proposed at this preliminary stage of the regulation review process. The proposed ranges are 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.

4. Youth Hunting Season for Turkeys

This proposal is to add a youth spring hunting season for turkey. Under this proposal, hunters with junior hunting licenses would be allowed to hunt with any method authorized for the taking of turkey 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 affected. Under current regulations, roughly ten percent of the estimated turkey population statewide is taken by hunters annually. The proposed youth hunting season is not 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 [subsection 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 make shooting hours for domestically reared game birds on licensed game bird clubs consistent with shooting hours for upland game birds in general.

6. A change is proposed to correct the printing error which inadvertently changed the closing date of the General Quail Season [subsection 300(a)(1)(B)1.a.].

7. Minor editorial changes are proposed for clarity and consistency.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Truckee Donner Public Utility District Board Room, 11570 Donner Pass Road, Truckee, California, on June 8, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bridgeport Memorial Hall, 75 North School Street, Bridgeport, California, on July 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 9, 2007 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 10, 2007. All comments must be received no later than July 13, 2007, at the hearing in Bridgeport, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Mr. Rob Allen, Enforcement, Department of Fish and Game, phone (916) 651-9953, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 regulation change is sufficiently minor that there would be no significant 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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: May 15, 2007

John Carlson, Jr.
Executive Director