

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

Amend Section 300  
Title 14, California Code of Regulations (CCR)  
Re: Upland Game Birds

- I. Date of Initial Statement of Reasons: April 4, 2011
- II. Date of Pre-adoption Statement of Reasons: July 8, 2011
- III. Date of Final Statement of Reasons: August 8, 2011
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: May 5, 2011  
Location: Ontario
  - (b) Discussion Hearings: Date: June 30, 2011  
Location: Stockton
  - (c) Adoption Hearing: Date: August 3, 2011  
Location: Sacramento

V. Update:

Sage-grouse hunting permit ranges proposed in the original language have been changed to a specific number to establish the 2011 permit numbers by hunt zone. Specific hunting permit numbers were established following completion of lek counts and analyzing that information to project fall population size.

On August 3, the Commission adopted the following sage-grouse hunting permit numbers for 2011 by hunt zone:

North Mono 30  
South Mono 30  
East Lassen 20  
Central Lassen 11

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

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

[Responses to public comments received were included in the Pre-adoption Statement of Reasons.](#) No other public comments, written or oral, were received during the public comment period.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, CA 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 Regulation Change: Establish an early youth only hunt the weekend prior to the general season for quail and chukar on the Mojave National Preserve.

General quail season in Zone Q3 (balance of the state excluding Zone Q2) opens the third Saturday in October and extends through the last Sunday in January. In an effort to foster and promote greater youth involvement in upland game bird conservation, a youth hunt-only chukar and quail season in the Mojave National Preserve has been proposed by the National Park Service for the first Saturday in October extending for two days. This proposal would establish a new hunt zone for both quail, under section 300(a)(1)(B), and chukar, under section 300 (a)(1)(C).

Without this alternative, youth hunts will be held concurrently with the general chukar and quail season opener and Deer Zone D17 opener, or will occur during the general hunting season when adult hunters will be competing with youth hunters.

There have been increasing attempts to foster hunter recruitment and retention throughout the United States to increase support for wildlife conservation. Many states, including California, have adopted special hunting regulations or established programs to facilitate the entry of new hunters into the activity. The Department has several concerns about this specific proposal. An earlier opening date will mean that younger, less flight capable birds may be available for harvest, and that higher

temperatures for the physical nature of quail and chukar hunting may be difficult for young hunters. This special opportunity in an area as large as Mojave National Preserve may also create enforcement difficulties. It is not clear if the Mojave National Preserve has internal capabilities to establish and conduct another successful hunting experience without this state regulation change. Furthermore, there is little evidence that suggests the proliferation of special opportunities for beginning hunters has affected the recruitment or retention of new hunters. Special opportunities sometimes come at the cost of opportunity for adult hunters, who have commented that special pre-season hunts affect their enjoyment of the activity. There is little empirical evidence to support either perspective, and this alternative is presented for consideration.

(b) No Change Alternative: Without a change to ranges, the sage-grouse permit numbers would not be calculated based on current year data. Without a regulation change relative to white-winged doves, state regulations will not be in compliance with a Flyway Council proposal and will be unnecessarily restrictive.

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

#### 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 regarding 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 Department does not believe that the proposed action will have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

(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:

The Department does not believe that the proposed action will have a significant adverse economic impact directly affecting 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.

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

The Department does not believe that the proposed action will have a significant adverse affect on costs for private persons or businesses.

(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, Government Code:

None

(h) Effect on Housing Costs:

None

## **Updated Informative Digest (Policy Statement Overview)**

Current regulations provide general hunting seasons for taking resident game birds. The Department is recommending 2 changes, including a range of permit numbers for the 2011 sage-grouse hunting season and changing the regulation for white-winged dove harvest to make it consistent with proposed changes to Federal regulations.

Existing regulations provide a number of permits for the general sage-grouse season in each of 4 zones. These specific numbers are replaced by a range of numbers for the 2011 season as listed below. The final number will be proposed in June after spring lek counts are completed and annual data are analyzed.

Permit ranges for sage-grouse hunting in 2011:

East Lassen: 0-50 (2-bird) permits  
Central Lassen: 0-50 (2-bird) permits  
North Mono: 0-100 (1-bird) permits  
South Mono: 0-100 (1-bird) permits

Existing regulations in Section 300 (a)(3)(F)(2) provide for take by falconry and establish a 1 bird per day, 2 bird per season limit in the North Mono and South Mono zones. This regulation is inconsistent with subsections 300(a)(1)(D)(2) and 300 (a)(2)(D)(2) where the bag and possession limits are 1 per day and 1 per season, in the North Mono and South Mono zones.

Also, minor editorial changes are proposed to clarify and simplify the regulations.

Existing regulations permit white-winged dove harvest in San Bernardino, Riverside and Imperial counties. A proposal to amend the federal regulations to permit white-winged dove harvest throughout California and the entire Pacific Flyway has been made by the Pacific Flyway. If adopted by the Federal government, federal regulations would permit the harvest of white-winged doves throughout California. The proposal would make the state regulation consistent with the Federal regulation.

Additionally, an alternative is provided to consider an early youth-only hunt for chukar and quail in the Mojave National Preserve. This proposal from the National Park Service would provide for a youth-only hunt for chukar and quail for the first Saturday in October extending for two days. Existing regulations for general quail season in Zone Q3 (balance of the state excluding Zone Q2) open the quail and chukar seasons on the third Saturday in October and extends through the last Sunday in January.

After completion of spring lek counts and subsequent population modeling and fall population projections, sage-grouse hunting permit ranges proposed in the Initial Statement of Reasons have been changed to specific permit recommendations by hunt zone as follows:

North Mono: 30, 1-bird permits  
South Mono: 30, 1-bird permits  
East Lassen: 20, 2-bird permits  
Central Lassen: 11, 2-bird permits

**The Commission adopted the regulations as proposed by the Department at the adoption hearing.**