STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 311
Title 14, California Code of Regulations
Re: Methods Authorized for Taking Resident Small Game

I. Date of Initial Statement of Reasons: April 4, 2011

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: May 5, 2011
    Location: Ontario

(b) Discussion Hearing: Date: June 30, 2011
    Location: Stockton

(c) Adoption Hearing: Date: August 4, 2011
    Location: Sacramento

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for
    Determining that Regulation Change is Reasonably Necessary:

Existing regulations provide methods authorized to take resident small game. Section 311(f) authorizes the use of air rifles firing pellets and powered by compressed air or gas for taking resident small game, stipulating a 0.20 caliber minimum for taking wild turkey. The Commission received public testimony last year requesting that the minimum caliber be lowered to 0.177 for taking wild turkey. Many air rifles with 0.177 caliber ammunition are capable of shooting at velocities in excess of 1,000 FPS, which is higher than some 0.20 caliber air rifles that are currently legal. This proposal would increase hunting opportunity particularly in areas where wild turkeys are abundant that otherwise have county and municipal ordinances against the use of firearms.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203 Fish and Game Code.

Reference: Sections 200 and 203 Fish and Game Code.
Specific Technology or Equipment Required by Regulatory Change: None.

Identification of Reports or Documents Supporting Regulation Change: None.

Public Discussions of Proposed Regulations Prior to Notice publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

Description of Reasonable Alternatives to Regulatory Action:

Alternatives to Regulation Change: No alternatives were identified.

No Change Alternative: Without a regulation change, a minimum of 0.20 caliber will remain required for taking wild turkeys with air rifles, thereby preventing the use of the most popular 0.177 caliber class of air rifles.

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.

Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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:

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.

There are no economic or business impacts foreseen or associated with the proposed regulation change.

(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, Government Code: None.

(h) Effect on Housing Costs: None.
Current regulations provide methods authorized for taking resident small game. Air rifles are authorized for taking resident small game with a minimum of a 0.20 caliber for taking wild turkeys. This proposal would change regulations to allow a minimum of a 0.177 caliber for taking wild turkeys.