

as well. The proposal is to add a 2-day junior hunt for junior hunters in the Mojave National Preserve starting the first Saturday in October which is two weeks ahead of the general quail hunting season.

3. Increase fall season length and season limit for wild turkey.

Wild turkey populations have grown significantly in many areas of the state to the point that they are considered overabundant and causing a nuisance. Current fall season length and bag limit, which was originally intended to help turkey populations grow, is now overly conservative. Therefore, the Department is recommending an increase in fall season length and bag limit for all legal methods of take (see section 311).

4. Pheasant archery hunting.

In addition to these proposals, an alternative is presented for a public proposal regarding pheasant archery season length. Archers contend that they need a 30-day archery-only season after the general season to be effective in harvesting pheasant. Currently, there are only 16 days of archery-only hunting for pheasants. The Department does not recommend this change in regulation because of significant declines in pheasant populations in recent years, but alternatives are presented for the Commission's consideration.

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

The following is a discussion of the factual basis for determining that the aforementioned proposals are reasonably necessary to make changes in section 300 regulations:

1. Adjust annual number of sage-grouse hunting permits by zone.

Existing regulations of subsection 300(a)(1)(D)(4) provide for the number of hunting permits in the East Lassen, Central Lassen, North Mono, and South Mono zones. This proposal changes the number of permits for all of these zones to a series of ranges for each zone from which a final number will be determined, based on spring lek counts. These ranges are necessary, as the final number of permits cannot be determined until spring lek counts are collected in April.

In early spring, male sage-grouse are counted on all known leks in California, including leks within hunt zones and in non-hunted areas. These lek counts are used to estimate population size and a population model expands the count of males to predict the size of the fall population.

The numbers of permits ultimately recommended will be based on the following criteria (for each zone):

- a. The allowable harvest level should equal 5% of the predicted fall population but constrained by the following conditions.
- b. Ranges are established from 0-50 permits (these are two-bird permits) for both Lassen Zones and 0-100 permits (these are one-bird permits) for both Mono Zones.
- c. The maximum number of permits recommended will not exceed the number of permits issued in 2011.
- d. If the allowable harvest in any zone provides for a minimum number of permits to be recommended in any zone of 5 permits or less, no permits will be recommended for that zone.

In March 2010, the United States Fish and Wildlife Service determined that Greater sage-grouse are “warranted, but precluded” for protection under the Endangered Species Act (ESA) both statewide and as a Distinct Population Segment in Mono County. The risks to sage-grouse are largely habitat-based. Hunting was not considered a high risk factor in the decision, which does not preclude states from continued hunting. In fact, no states have closed hunting as the result of the ESA decision, but most are now suggesting more conservative hunting regulations. The final listing rule for the Bi-State DPS will be made in fiscal year 2013 and for all of greater range in fiscal year 2015. The Department is not recommending any increases in sage-grouse hunting while the full listing determination is being made as indicated under criteria 3 above.

Concerns about the potential effects of hunting through to sage-grouse through additive mortality have been expressed in the scientific literature, including studies from California. The Department responded to those concerns by reducing recommended permit numbers substantially as adopted by the Commission in 2007. Only the areas with the healthiest populations and best habitat are open to hunting. In fact, the areas that are closed to hunting are where sage-grouse populations continue to struggle, demonstrating that the greatest risks to sage-grouse are habitat-related. The permit system used in California is considered one of the most conservative and best controlled hunts in sage-grouse range.

2. Provide for a junior quail hunting season prior to opening of general season in the Mojave National Preserve.

Existing regulations of subsection 300(a)(1)(B) provide for general quail season in Zone Q3 opening the third Saturday in October and extending through the last Sunday in January. This proposal would establish a junior hunting season for quail in the Mojave National Preserve, San Bernardino County, beginning the first Saturday in October and extending for two days, under subsection 300(a)(1)(B)(1)(d).

In an effort to foster and promote greater youth involvement in upland game bird conservation, a youth-only quail and chukar season was proposed by the Mojave National Preserve and interested citizens in 2011 for the first weekend in October. The hunt was proposed two

weeks prior to the general season to avoid conflicts with the deer opener the second week of October.

The Department did not recommend the change in 2011 for some of the concerns discussed below. In 2012, the Commission received further comments from the public again encouraging the junior hunting season for the Mojave National Preserve and providing more information to the Commission for consideration. Discussions between the Department and project proponents have resulted in agreement on a revised proposal for a junior quail season for the Mojave National Preserve and no regulation change to the chukar season.

The Department was reluctant to support this proposal initially because wild quail and chukar, in particular, require expert hunting skills. Furthermore, daytime temperatures are still very warm in early October, making hunting strenuous for novice hunters and proper care of harvested game birds concerning. Both quail and chukar are often still dependent on water sources in early fall, making them more vulnerable to the direct and indirect effects of hunting. However, the amount of harvest during a junior weekend is not concerning and it may be easier for juniors to harvest birds.

After further evaluation of the proposal described above, the Department is recommending the junior quail season for Mojave National Preserve. The hunt on the Mojave National Preserve is organized with adult mentors and will serve as a good test for evaluating other potential unique opportunities for junior quail hunting. The Department considers the hunt to be biologically acceptable. Quail season opens in a similar climate in Arizona up to one month earlier.

The Department is not recommending the junior chukar season because the concerns mentioned above were even greater with chukar. Further discussion with the project proponents indicated that the hunt was primarily intended for quail, and that chukar harvest was unlikely. The project proponents indicated that they would support a modified proposal for quail only.

Junior hunting seasons are becoming popular nationally in an effort to recruit young hunters. In California, junior hunting seasons now exist for wild turkey and waterfowl, but the effect that these hunts have in recruiting and retaining hunters is not clear and they do come at a potential cost to hunters by impacting the quality of the general season openers. However, a junior weekend two weeks prior to the general season will likely have minimal effect on the general opener.

3. Increase fall season length and season limit for wild turkey

Existing regulations of subsection 300(a) provide for a fall wild turkey hunting season beginning the second Saturday in November, extending for 16 days, with a season limit of one either-sex bird. This proposal

would increase the wild turkey fall season length from 16 to 30 days for the general season (300(a)(1)(G)(1)(a)), archery season (300(a)(2)(G)(1)(a)), and falconry season (300(a)(3)(G)(1)(a)), and increase the season limit to 2 turkeys of either sex for the general season (subsection 300(a)(1)(G)(2)), archery season (300(a)(2)(G)(2)), and falconry season (300(a)(3)(G)(2)).

The fall wild turkey season was reduced significantly in length and season limit in the late 1990's to allow populations to grow and provide more spring gobbler-only hunting. Those management objectives have been successful in shifting the bulk of the wild turkey harvest to the spring season, which is more biologically sustainable. However, given significant increases in turkey populations and concerns about overabundance leading to nuisance issues in some areas, the fall season may now be overly restrictive. Therefore, the Department recommends that the fall season be increased to 30 days to allow a longer turkey season and recommends the season limit be increased to two turkeys of either sex.

4. Pheasant archery hunting

Existing regulations provide for a 44-day general pheasant season (300(a)(1)(A)(1) and 60-day archery pheasant season (300(a)(2)(A)(1). The California Bowmen Hunters (CBH) have requested a 30-day archery-only season for pheasants after the end of the general season. The general pheasant season was increased from 30 days to 44 days in the early 2000s. However, the 60-day archery season was not changed at the same time.

The net result was a decrease from 30 days to 15 days of archery-only hunting. The CBH is requesting "restoration" of a 30-day archery only season, contending that the birds need a couple of weeks to settle down following the general season so that archers can hunt effectively. Pheasant harvest has decreased substantially since the mid- 1990s, especially on some of the Department's premier Wildlife Areas for pheasant hunting.

Declines in pheasants particularly in the Central Valley are considered to be the result of landscape loss of habitat primarily from changes in farming practices, including cleaner farming and large-scale flooding for rice decomposition. West Nile Virus is not thought to be a significant pathological concern to pheasants. The general harvest strategy for pheasants suggests that rooster-only hunting does not affect the growth of the population and the scientific literature does support that sex ratios as high as 15 females to 1 male result in no loss in productivity to the population. However, the indirect effects of hunting pressure in this fragmented landscape, particularly to the female segment of the population are not well known.

The effects of hunting could have an additive effect to the main causes

of population decline in a stressed system. The Department is not recommending any increases in pheasant season length at this time because of the declines in pheasant populations and harvest, but two alternatives are provided below.

The benefits of the proposed regulations are to maintain or increase upland game populations and to ensure their continued existence.

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

Authority: Sections 200, 202, 203, and 355 Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 215, 220, 355, and 356, Fish and Game Code.

- (d) Specific Technology or Equipment Required by Regulatory Change: None.

- (e) Identification of Reports or Documents Supporting Regulation Change:

[Email from Cliff McDonald to Sonke Mastrup, Commission Executive Director, dated 1/24/2012 requesting reconsideration of the early quail season originally proposed in 2011.](#)

[Economic Impact Analysis](#)

- (f) 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.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

1. Increase archery pheasant season length.

This alternative would increase the current pheasant archery season by 15 days. Given the decline in pheasant populations and harvest discussed previously, the Department is not recommending any increases in overall pheasant season length.

2. Restore previous general and archery pheasant season length.

This alternative would reduce pheasant general season by 14 days to and maintain the current archery seasons. This would restore the previous 30-day general season and 60-day archery pheasant season. Considerably more people hunt the general season than the archery season and given the reduction in harvest and population size previously discussed, reductions in general pheasant season length may be

prudent to reduce overall harvest of pheasant.

3. Increase fall turkey season length but maintain season limit of one bird.

This alternative would increase the fall turkey season length by 30 days, and maintain the season limit of one bird. One of the main reasons for recommending an increase in fall turkey season length is to give hunters more opportunity to hunt turkeys during the fall hunting seasons for other upland game birds. Another reason is because of the increase in turkey populations in recent years. As previously described, the more restrictive fall season was originally implemented to shift the focus of the annual turkey harvest to the spring, when only males are harvested, having less impact to the population and thereby, providing more hunting opportunity during the more popular spring season. Although the statewide wild turkey population appears that it can withstand a large increase in fall harvest, the potential effects of fall hunting could have an impact at a local scale, particularly on public lands. An abundance of caution could be applied by increasing the season length to give more opportunity to harvest a bird, but with no change to the season limit of one bird.

4. Increase number of sage grouse hunting permits

There is no reasonable alternative to the proposed action

(b) No Change Alternative:

Without a regulation change, sage-grouse permit numbers would not be calculated based on current year data.

Without a regulation change to provide for a junior quail season on the Mojave National Preserve, youth would have to hunt in conjunction with the general chukar and quail season opener and after the opening of Deer Zone D17, when adult hunters will be competing with youth hunters.

Without a regulation change to increase wild turkey season, an overly restrictive fall season length and limit would remain, potentially contributing to issues associated with overabundant turkey populations.

(c) Consideration of Alternatives: In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment;

therefore, no mitigation measures are needed.

VI. 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.

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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: :

The proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2012-2013. The best available information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about \$659,366,000 on hunting trip-related and equipment expenditures in California in 2006. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase upland game populations, and subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources.

(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.

Informative Digest/Policy Statement Overview

Current regulations (Section 300(a), Title 14, CCR) provide general hunting seasons for taking resident game birds. The Department is recommending 3 regulation changes, including: 1) A range of permit numbers for the 2012 sage-grouse hunting season, 2) A junior hunting season for quail on the Mojave National Preserve, and 3) an increase in fall season length and season limit for wild turkey.

Current regulations under subsection 300(a)(1)(D)(4) 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 2012 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 2012:

East Lassen: 0-50 (two-bird) permits
Central Lassen: 0-50 (two-bird) permits
North Mono: 0-100 (one-bird) permits
South Mono: 0-100 (one-bird) permits

Current regulations of subsection 300(a)(1)(B) provide for general quail season in Zone Q3 opening the third Saturday in October and extending through the last Sunday in January. This proposal would establish a junior hunting season for quail in the Mojave National Preserve, San Bernardino County, beginning the first Saturday in October and extending for two days, under subsection 300(a)(1)(B)(1)(d). The hunt is recommended only for the Mojave National Preserve at this time because there is already an organized effort for a quail hunt, while additional junior quail hunts are evaluated for other areas of the state.

Current regulations of subsection 300(a) provide for a fall wild turkey hunting season beginning the second Saturday in November, extending for 16 days, with a season limit of one either-sex bird. Increases in turkey populations and related problems with their overabundance in some areas, suggest that the current fall season is overly restrictive. This proposal would increase the wild turkey fall season length from 16 to 30 days for the general season (300(a)(1)(G)(1)(a)), archery season (300(a)(2)(G)(1)(a)), and falconry season (300(a)(3)(G)(1)(a)), and increase the season limit to 2 turkeys of either sex for the general season (subsection 300(a)(1)(G)(2)), archery season (300(a)(2)(G)(2)), and falconry season (300(a)(3)(G)(2)). Because fall hunting could have an impact to turkey populations on some public lands, an alternative is also presented to increase the season length, thereby providing hunters more time to harvest a bird, but maintain the current season limit of one bird.

Additionally, two alternatives were considered for potential changes to pheasant regulations: 1) restore the 30 day archery only season by adding 15 days to the end of the season; and, 2) restore the 30 day archery only season by reducing the general season by 14 days. Existing regulations provide for a 44-day general pheasant season (300(a)(1)(A)(1) and 60-day archery pheasant season (300(a)(2)(A)(1)). The California Bowmen Hunters (CBH) have requested a 30-day archery-only season for pheasants after the end of the general season. The general pheasant season was increased from

30 days to 44 days in the early 2000s. However, the 60 day archery season was not changed at the same time. The net result was a decrease from 30 days to 15 days of archery-only hunting. Because of significant declines in pheasant populations and harvest, the Department is not recommending any modifications in the pheasant season length at this time. Further evaluation of pheasant populations and habitat conditions is needed before making recommendations to modify the season.

The benefits of the proposed changes are to maintain or increase upland game populations and to ensure their continued existence.

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.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate upland game hunting regulations.