

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

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

- I. Date of Initial Statement of Reasons: May 24, 2013
- II. Date of Pre-adoption Statement of Reasons: July 17, 2013
- III. Date of Final Statement of Reasons: August 13, 2013
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 22, 2013
Location: Los Angeles
 - (b) Discussion Hearings: Date: June 26, 2013
Location: Sacramento
 - (c) Adoption Hearing: Date: August 7, 2013
Location: San Luis Obispo
- V. Update:

Sage-grouse hunting permit ranges proposed in the original language have been changed to a specific number to establish the 2013 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 7, the Commission adopted the following permit numbers for the 2013 sage-grouse season:

East Lassen: 0 (2-bird) permits
Central Lassen: 0 (2-bird) permits
North Mono: 30 (1-bird) permits
South Mono: 25 (1-bird) permits

On August 7, 2013, the Commission adopted the Department's proposed amendments including Option A, establishing an early archery season beginning the second Saturday In October extending for 23 days and eliminating the existing late archery season following the general season.

Minor editorial changes were made to the originally proposed language of the Initial Statement of Reasons for clarity and consistency.

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

- (a) Description of Proposed Action by Public: Mr. Dan Skalos offered several suggestions related to turkey hunting and use of Department lands for turkey hunting.

Proposal Source. Dan Skalos (written comments to Commission on 4/22/13).

Response. No proposals to change turkey hunting regulations were included in the Initial Statement of Reasons and these comments came in after it was submitted. The Department will consider these suggestions during the next rulemaking package for upland game hunting and use of Department lands.

- (b) Description of Proposed Action by Public: Mr. Chavez offered several suggestions related to turkey hunting and use of Department lands for turkey hunting.

Proposal Source. Joe Chavez (email to Commission on 6/6/13).

Response. No proposals to change turkey hunting regulations were included in the Initial Statement of Reasons and these comments came in after it was submitted. The Department will consider these suggestions during the next rulemaking package for upland game hunting and use of Department lands.

- (c) Description of Proposed Action by Public: Mr. Bateson supports the proposal to open Eurasian collared-dove season all year in Imperial County and urged the Commission to consider opening it statewide soon.

Proposal Source: C. Owen Bateson (email to Commission on 7/26/13).

Response: The Department agrees that the year-round season for Eurasian collared-dove should be opened statewide in an effort to reduce the invasion of this non-native species. The Department has some potential enforcement concerns, such as people confusing Eurasian collared-doves with native mourning doves and the potential for people shooting near houses. Therefore, the proposal to open the season all year in Imperial County where the species is most prevalent is suggested as a test case to see if it could be further opened statewide in the future.

- (d) Description of Proposed Action by Public: Support of Option A to establish an early archery season for pheasants and supports the Triple Bag Limit.

Proposal Source: Bill Gaines, representing California Bowman Hunters (Oral comment to Commission on 8/7/13).

Response: Support noted.

Additional responses to public comments received orally were included in the pre-adoption statement of reasons.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

VIII. Location of Department files:

Department of Fish and Game
Wildlife Branch
1812 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

There are no other reasonable alternatives to the proposed action that would be more effective in carrying out the purposes for which the regulation is proposed.

(b) No Change Alternative:

Without a regulation change:

1. Sage-grouse permit numbers would not change from the previous year and would not be calculated based on current year data.
2. Possession limits for band-tailed pigeon, mourning dove, common snipe, pheasant, quail, sooty/ruffed grouse, and chukar would remain double the daily bag.
3. Pheasant archery season would follow the general season for 16 days.
4. Eurasian collared-doves would only be open during the same season as mourning doves with unlimited bag and possession limits.

(c) Consideration of Alternatives: In view of the information currently possessed, no other 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.

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 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 because the proposed regulation will not significantly decrease opportunities to hunt for upland game species.

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 Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California

The proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2013-2014. 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 \$964,054,000 on hunting trip-related trips and equipment expenditures in California in 2011. 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

Updated Informative Digest (Policy Statement Overview)

Current regulations in Title 14, California Code of Regulations (CCR) provide general hunting seasons for taking resident game birds under Section 300(a), and for migratory upland game birds under Section 300(b). The Department is recommending four regulation changes under these sections as follows:

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

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 2013 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 2013:

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

2. Increase the possession limit to triple the daily bag limit for band-tailed pigeon, doves, common snipe, pheasant, quail, sooty/ruffed grouse, and chukar statewide.

Current regulations provide possession limits at double the daily bag for the following resident and migratory upland game birds: 300(a)(1)(A)(2) for pheasant; 300(a)(1)(B)(2) for quail; 300(a)(1)(C)(2) for chukar; 300(a)(1)(E)(2) for sooty/ruffed grouse; 300(b)(1)(A)(2) for band-tailed pigeon; 300(b)(1)(B)(2) for doves; and 300(b)(1)(C)(2) for common snipe. This proposal would increase possession limits to triple the daily bag for each of these species or groups of species as referenced in the above sections.

3. Establish an early archery season for pheasants.

Current 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 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. This proposal provides two options for additional quality archery-only pheasant hunting opportunity by establishing an early archery-only season. Option A provides an early archery season beginning the second Saturday in October extending for 23 days and eliminating the current late archery season. Option B provides an early archery season beginning the second Saturday in October and extending for 9 days, with a bag limit of 2 males per day, and maintaining the current late archery season.

4. Open Eurasian collared-dove season year-round in Imperial County.

Current regulations provide for a Eurasian collared-dove season during the same period

as other doves with no bag or possession limits under section 300(b)(1)(B)1. This proposal opens the hunting season for Eurasian collared-doves year-round. Eurasian collared doves are a resident, non-native invasive species not covered under the Migratory Bird Treaty Act and may be regulated by the state outside the Federal frameworks.

Minor editorial changes are also provided for consistency and clarity.

Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits provides for the maintenance of sufficient populations of upland game 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.

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:

East Lassen: 0 (2-bird) permits
Central Lassen: 0 (2-bird) permits
North Mono: 30 (1-bird) permits
South Mono: 25 (1-bird) permits

The Commission adopted Option A for the early pheasant archery season and the rest of the regulations as proposed by the Department at the August 7, 2013 adoption hearing.