Amend Section 313
Title 14, California Code of Regulations
Re: Upland Game Bird Stamp

I. Date of Initial Statement of Reasons: April 12, 2013

II. Date of Final Statement of Reasons: August 15, 2013

III. 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

IV. Update:

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

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

    No public comments, written or oral, were received during the public comment
    period.

VI. 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

VII. Location of Department files:

    Department of Fish and Wildlife
    Wildlife Branch
    1812 Ninth Street
    Sacramento, California 95814
VIII. 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:

The No Change Alternative would maintain the existing language in CCR Title 14 Section 313, which does not concur with Fish and Game Code Section 3682.1.

(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.

IX. 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 it will not 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 Commission anticipates benefits to the health and welfare of California residents. The proposed regulation is intended to provide clarity to the hunting public.

The fees that hunters pay for licenses and stamps are used for conservation, which helps create a cleaner environment

(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 regulation in Section 313, Title 14, California Code of Regulations (CCR), requires the upland game bird stamp to be affixed to a hunter’s license for taking resident game birds including Chinese spotted doves, ringed turtle doves, of the family Columbidae; California quail and varieties thereof, Gambel's or desert quail, mountain quail and varieties thereof, sooty, ruffed, and sage grouse, white-tailed ptarmigan, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes; and migratory game birds including common snipe, western mourning doves, white-winged doves, and band-tailed pigeons. The implementation of the Automated License Data System eliminated the requirement of physical stamps to be affixed to the hunter’s license. The proposal would update the section to be consistent with Fish and Game Code Section 3682.1 and clarifies that any person who is hunting under the authority of a junior hunting license is exempt from obtaining an upland game bird hunting validation.

The benefits of the proposed regulations are concurrence with State law, sustainable management of the upland game bird resources, positive impacts to jobs and/or businesses that provide services to upland game bird hunters will be realized with the continuation of selling upland game bird hunting validations for the hunting season in 2013-2014.

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.

The Department’s proposal is as follows:

Amend the current language to “Any licensed hunter taking resident game birds including Chinese spotted doves, ringed turtle doves, of the family Columbidae; California quail and varieties thereof, Gambel's or desert quail, mountain quail and varieties thereof, sooty, ruffed, and sage grouse, white-tailed ptarmigan, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes; and migratory game birds including common snipe, western mourning doves, white-winged doves, and band-tailed pigeons must have a current state upland game bird hunting validation in possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section.”

The Commission adopted the regulation as proposed by the Department at the August 7, 2013 adoption hearing. Minor editorial changes were made to the originally proposed language of the Initial Statement of Reasons for clarity and consistency.