

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

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. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 22, 2013
Location: Los Angeles, CA

 - (b) Discussion Hearing: Date: June 26, 2013
Location: Sacramento, CA

 - (c) Adoption Hearing: Date: August 7, 2013
Location: San Luis Obispo, CA

III. Description of Regulatory Action:

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

The current language of the California Code of Regulation, Title 14, Section 313, is not current with requirements of Fish and Game Code (FGC) Section 3682.1 which replaces upland game birds stamps with hunting validations on license documents under the Automated License Data System (ALDS). Furthermore, possession of an upland game bird stamp alone, as is indicated in current regulation, does not entitle the holder to take upland game birds under FGC Section 3682.2.

The proposed change is:

Amend the current language of Section 313 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 existing regulation refers to a physical stamp required to be affixed to the hunter's license. Since ALDS was implemented stamps are no longer required to be affixed to a license. The proposed change would amend Section 313 to be consistent with Fish and Game Code Section (FGC) 3682.1. In addition, current language requires any adult license holder to obtain an upland game bird stamp to take resident and migratory upland game birds, but does not define an adult license holder. The proposed language clarifies that any person who is hunting under the authority of a junior hunting license is exempt from obtaining an upland game birds stamp under FGC Section 3682. This language is consistent with Fish and Game Code, Section 3682.2, which requires hunters to purchase an upland game bird hunting validation to pursue these species, but exempts hunters who are hunting under the authority of a junior hunting license.

The benefits of the proposed regulations are concurrence with State law and sustainable management of the upland game bird resources.

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.

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

Authority: Sections 200, 201, 202, and 203 of the Fish and Game Code.

Reference: Section 3682.1 of the Fish and Game Code.

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

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

[Economic Impact Analysis](#)

- (e) 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:
No other alternatives were identified

- (b) No Change Alternative:

1. 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 information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to the affected private persons than the proposed regulation, or would be more cost-effective to 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. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

(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.

Informative Digest/Policy Statement Overview

Current regulation in Section 313, Title 14, California Code of Regulations (CCR), require 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 Commission has searched the California Code of Regulations and has determined that there are no other regulations that are neither inconsistent nor incompatible with the proposed 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 his or her possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section."