

Six proposals are evaluated for regulation changes as follows:

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

Existing regulations in subsection 300(a)(1)(D)4. provide for the number of sage grouse hunting permits in the East Lassen, Central Lassen, North Mono, and South Mono zones. For the 2014-2015 season, the Department has proposed a range of permits from which a final number of permits will be determined, based on spring lek counts. Ranges are necessary at this time because the final number of permits cannot be determined until spring lek counts are conducted in April. Current regulations provide permit numbers for sage grouse based on population estimates from 2013 and need to be updated to reflect 2014 estimates.

In March 2010, the USFWS determined that Greater sage grouse were “warranted, but precluded” for protection under the Endangered Species Act (ESA) both statewide and as a Distinct Population Segment (DPS) in Mono County. A proposed rule is scheduled on the range-wide finding in 2015.

In October 2013, the USFWS further proposed that the Bi-State DPS should be listed as threatened under the ESA, with a final ruling scheduled for October 2014, following the 2014 hunting season. If this proposal becomes a final rule later this year, the threatened status of the Bi-State DPS would preclude future hunting.

The risks to sage grouse are largely habitat-based. Hunting was not considered a high risk factor in the “warranted, but precluded” finding for greater sage grouse range-wide by the USFWS, which does not preclude states from continued hunting. In fact, no states have closed hunting as the result of the range-wide ESA decision. The proposed listing rule for greater sage grouse range-wide will be made in fiscal year July 2015 – June 2016.

Concerns about the potential effects of hunting on sage grouse through additive mortality have been expressed in the scientific literature, including studies from California. The Department responded to these concerns by reducing recommended permit numbers substantially as adopted by the Commission in 2007. Since sage grouse were given candidacy under ESA in 2010, the Department has taken an increasingly conservative approach to recommending sage grouse hunting permits and has not recommended any increases in permits despite some of the highest spring breeding populations ever recorded in the Mono zones.

The permit system used in California is considered one of the most conservative and best-controlled hunts in sage grouse range.

On August 27, 2012, the Commission took emergency action to reduce the number of permits adopted earlier in the month for both the East Lassen and Central Lassen Hunt Zones to zero. This action was taken following the Rush Fire, which encompassed more than 272,000 acres in California, almost entirely within the East Lassen Zone. Because of substantial breeding population declines in spring 2013 following the fire, the Department did not recommend any hunting permits in 2013.

Wildfire is considered one of the highest risks to sage grouse habitats, particularly in northeastern California.

The Department will continue to conduct intensive breeding population surveys in spring 2014, whereby male sage grouse are counted on all known leks in California, including leks both 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 Department will use these data to determine the number of sage grouse hunting permits, to be recommended for 2014, within the following ranges:

- 0-50 permits for both Lassen zones (these are two-bird permits), and
- 0-100 permits for both Mono zones (these are one-bird permits).

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

- a. Size and trend of the spring breeding population in each hunt zone based on lek counts conducted in March and April.
 - b. The allowable harvest level will not exceed 5% of the predicted fall population.
 - c. 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.
2. Administrative changes in subsection 300(a)(1)(D)5. to include the application procedures for sage grouse permits under the Automated License Data System (ALDS).

Presently, applicants can apply for sage grouse permits either on a postcard or through the Internet. The Department receives approximately 1,000 applications for sage grouse annually. Fewer than

10 postcard applications are submitted annually (less than one percent). The Department automated its license system in 2010 and now all licenses and permits are issued through the ALDS.

The proposed change is consistent with the current license procedures. ALDS allows applicants to apply online and at Department license sales offices located throughout California and provides for a simplified, cost effective, convenient application process. This functionality is built in to the ALDS and will not create any additional costs for the Department.

Existing regulation, CCR T14, Section 700.5, allows the Department to accept applications in alternate formats, media and locations, thus the Department may accept applications for sage grouse permits at any Department authorized outlet and via telephone.

3. Establish a longer general archery season for pheasants.

Current regulations provide for a 23-day early pheasant archery season under subsection 300(a)(2)(A)1.a. and a 44-day general pheasant archery season under subsection 300(a)(2)(A)1.b. The 23-day early archery season was established in 2013 and the general archery season was also reduced at that time from 60 days to 44 days, coinciding with the general pheasant season. This regulation change shifted archery-only hunting to occur before the general season and allowed archers better hunting opportunity. The net result was an increase of six more overall days of archery-only hunting. This change was made based on a proposal by the California Bowman Hunters (CBH). After the regulatory change went into effect, a segment of the public responded that they preferred the later season. This proposal re-establishes a later pheasant archery season to allow for opportunity both before and after the general pheasant season.

Pheasant harvest has declined significantly over the past 15 years, particularly on public areas open to hunting. Declines in pheasants 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 problem for pheasants. The Department does not think that the few people hunting pheasants with archery equipment would have any additional impact to pheasant populations before or after the general season. Therefore, the Department is proposing to re-establish a later archery-only season following the general season, and extending the season for an additional 28 days, to allow for more pheasant hunting opportunities.

Because of the large decline in pheasant harvest and great interest in pheasant hunting on state and federal areas, the Department does not recommend changes to current regulations that do not permit the use of archery equipment during the pheasant and waterfowl seasons on Type A and B Wildlife Areas (Title 14, Sections 550, 551). The early archery season allows archers some of the best opportunity for pheasant hunting before the general season opener and the Department is concerned about preserving the quality of the general pheasant season on these areas. Therefore, this proposed regulation will primarily apply to private lands and lower-use public areas, preserving pheasant hunting opportunities on high use public areas for the general season.

4. Open Eurasian collared-dove season year-round statewide.

The existing statewide season for Eurasian collared-dove under subsection 300(b)(1)(B)1. is 45 days, similar to mourning and white-winged doves, but with no bag or possession limits. In 2013, Eurasian collared-dove season was opened all year in Imperial County under subsection 300(b)(1)(C). The Department proposes to extend the all year open season for Eurasian collared-dove to apply statewide.

The Eurasian collared-dove is a resident, non-native invasive species not covered under the Migratory Bird Treaty Act and may be regulated by the State outside the Federal framework. Since their expansion west from Florida in the 1980s, Eurasian collared-doves have colonized the southern states in great numbers. Following their expansion in these states, regulations for take have become very liberal with nine of the 13 states allowing Eurasian collared-dove hunting year-round with no bag limit. Utah does not require a hunting license for the take of Eurasian collared-doves.

The all year season was established in Imperial County in 2013 as a pilot program to allow the Department to gain experience in potential enforcement problems before expanding it statewide. These concerns included misidentification of species with native doves and shooting near human occupied structures, which these birds often inhabit. Imperial County was selected because it attracts a large number of hunters from the Los Angeles and San Diego areas and has large areas of open land conducive to hunting. It is also the heaviest colonized area for Eurasian collared-doves in the State.

Because no significant enforcement concerns were encountered in 2013, the Department is recommending the all year season statewide. However, if significant problems arise in the future, the Department may propose to reverse this regulation.

5. Increase the maximum daily bag limit to 15 for mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

Existing regulations under subsection 300(b)(1)(B)2. set the daily bag limit for mourning dove and white-winged dove at ten (10) and the possession limit at triple the daily bag limit in aggregate.

Both mourning dove and white-winged dove are migratory species and subject to the Migratory Bird Treaty Act. The Secretary of the Interior, acting under the authority of the Migratory Bird Treaty Act, is authorized to determine when hunting of migratory game birds can take place in the United States and to adopt regulations for this purpose. This responsibility has been delegated to the USFWS.

The Pacific Flyway Council cooperates with the USFWS to develop regulations for migratory birds in the United States west of the Continental Divide. Both organizations consider the welfare of migratory bird populations first, and then public demands for recreation and subsistence harvest, and other uses. The USFWS sets migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting.

The recommendation from the Pacific Flyway Council at the March 11, 2014, meeting was for the "Standard" regulatory alternative as prescribed by the Mourning Dove Harvest Strategy for doves in the Western Management Unit. In California, the daily bag limit for the Standard alternative is 15 mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

Mourning dove harvest strategies were endorsed by the Flyway Councils and USFWS Regulations Committee in 2013 for each of the three Management Units (Eastern, Central, and Western), with implementation beginning in 2014. These new strategies represent a more informative approach to managing harvest of mourning doves as envisioned in the Mourning Dove National Strategic Harvest Management Plan approved by the Flyway Councils in 2003. The harvest strategies for each Management Unit share a common assessment framework:

- a. Discrete logistic model to estimate population parameters (intrinsic rate of growth, carrying capacity) and predict population abundance in the year subsequent to the data time series;
- b. Critical abundance thresholds based on 30 percent and 50 percent of approximated;

- c. 85 percent confidence that the predicted abundance exceeds the critical threshold that would trigger that regulatory change;
- d. Standard, restrictive, and closed regulatory alternatives consistent in daily bag limit.

This new framework increases the daily bag for mourning doves from 10 birds per day to 15 in the Standard season. Season lengths are increased from 30 to 60 days in the northern states and remain unchanged in southern states. Between 2006 and 2011, harvest rates, estimated from banding, ranged between 3 percent and 5 percent for mourning doves under the current 10-bird daily bag regulations. For an abundant habitat generalist like mourning doves, this harvest rate is low. The 15 bird bag for the Standard season is unlikely to raise harvest rates beyond the range of sustainability. Nevertheless, this proposed harvest strategy is not based on assumptions; it includes yearly monitoring of both harvest rate and population size. Should harvest rates increase to a level deemed harmful or population size decline below established thresholds, the strategy reduces harvest of mourning doves. This strategy does not affect bag limits or season lengths for white-winged doves, in place under the previous harvest strategy.

It is the policy of this State to encourage the preservation, conservation and maintenance of wildlife resources under the jurisdiction of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of wildlife to perpetuate the species for their intrinsic and ecological values and to maintain diversified recreational uses of wildlife, including sport hunting. 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 and contribution to ecosystem health.

- 6. The Department also proposes to make the following editorial changes:

Correct two omissions of necessary text. Adding text to subsection 300(a)(1)(C) specifying: Species, 2. Seasons, 3. Daily Bag and Possession Limits. Also a new subparagraph is added to 300(a)(2)(C) specifying: 3. Area: Statewide.

The Eurasian collared-dove, spotted dove, and ringed turtle-dove are resident game bird species (per FGC §3500 and 3683). For clarity and consistency, these species will be moved from under subsection 300(b), Migratory Upland Game Birds, to subsection 300(a), Resident Upland Game Birds.

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

Authority: Sections 200, 202, 203, and 355 of the Fish and Game Code.
Reference: Sections 200, 202, 203, 203.1, 215, 220, 355, and 356 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 Assessment
- Pacific Flyway Council Mourning Dove Harvest Strategy;
- U.S. Fish & Wildlife Service Mourning Dove National Strategic Harvest Management Plan
- US Invasion of the Eurasian Collared Dove (Fuller 2013)

- (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 Alternatives were identified.

- (b) No Change Alternative:

Without a regulation change:

1. Sage grouse permit numbers would not change from 2013 and permits for 2014 would not be calculated based on current year data.
2. Pheasant archery-only hunting would only include the early season and not include the later season following the general seasons. Due to public request for early and late archery only season, and negligible impact by hunting both season, this is not a recommended alternative.
3. Eurasian collared-doves would only be open all year in Imperial

County and follow the same season as mourning and white-winged doves in the rest of the State, but with unlimited bag and possession limits. Due to the invasive nature of this non-native species and the potential impact on native species there is no biological basis to limit year-round harvest statewide.

- (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 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, because the regulations propose only minor changes to current seasons and bag limits.

- (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 the proposed action would have on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the regulations propose only minor changes to current seasons and bag limits.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission 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 in Title 14, California Code of Regulations (CCR) provide general hunting seasons for taking resident and migratory upland game birds under Section 300. The Department is recommending six regulation changes under this section 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 four zones. At this time the Department has proposed a range of permits specific for all four hunt zones. The final permit numbers will be proposed in June after spring lek counts are completed and annual population data are analyzed. Permit ranges for sage grouse hunting in 2014 are recommended as follows:

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. Administrative changes to subsection 300(a)(1)(D)5. to reflect the Department's change to application procedures for sage grouse permits under the new Automated License Data System (ALDS).
3. Establish a longer general archery season for pheasants.

Current regulations provide for a 23-day early pheasant archery season under subsection 300(a)(2)(A)1.a. and a 44-day general pheasant archery season under subsection 300(a)(1)(A)1.b.. The proposed regulation re-establishes a later pheasant archery-only season, and extends the season for 28 days, to allow for hunting opportunity both before and after the general pheasant season. However, archery equipment cannot be used on Type A and B wildlife areas during the pheasant and waterfowl seasons per subsection 551(b)(6).

4. Open Eurasian collared-dove season year-round statewide

In 2013, Eurasian collared-dove season was opened all year in Imperial County under subsection 300(b)(1)(C). The changes proposed by the Department for the 2014-2015 season, and thereafter, would extend the all year open season for Eurasian collared-dove to apply statewide.

5. Increase the maximum daily bag limit to 15 for mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

The recommendations from the Pacific Flyway Council at the March 11, 2014, meeting was for the “Standard” regulatory alternative as prescribed by the mourning dove harvest strategy for doves in the Western Management Unit. In California, the daily bag limit for the Standard alternative is 15 mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

6. Minor editorial changes are also provided for consistency and clarity. The Department also proposes to make the following editorial changes:

Correct two omissions of necessary text. Adding text to subsection 300(a)(1)(C) specifying: Species, 2. Seasons, 3. Daily Bag and Possession Limits. Also a new subparagraph is added to 300(a)(2)(C) specifying: 3. Area: Statewide.

The Eurasian collared-dove, spotted dove, and ringed turtle-dove are resident game bird species (per Fish and Game Code §3500 and 3683). For clarity and consistency, these species will be moved from under subsection 300(b), Migratory Upland Game Birds, to subsection 300(a), Resident Upland Game Birds.

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 Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202, and 203, has the sole authority to regulate upland game bird hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to hunting of resident game birds are consistent with Sections 550-553, 630, 703 and 4501 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.