State of California
Department of Fish and Wildlife

Memorandum

Date: March 19, 2014

To: Sonke Mastrup
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **Agenda Item for the April 16 Fish and Game Commission Meeting Regarding Amendments to Section 300, Title 14, California Code of Regulations, Re: Upland Game Birds**

The Department of Fish and Wildlife (Department) is proposing to: 1) adjust the annual number of sage grouse hunting permits by zone; 2) change the application procedure for sage grouse permits to the Automated License Data System (ALDS); 3) establish a longer general archery season for pheasants; 4) open the Eurasian collared-dove season year-round statewide; 5) increase the maximum daily bag limit to 15 for mourning and white-winged doves in aggregate; and, 6) move the Eurasian collared-dove, spotted dove, and ringed turtle-dove from under subsection 300(b), Migratory Upland Game Birds, to subsection 300(a), Resident Upland Game Birds. Other minor editorial changes are also proposed to correct omitted regulatory text.

Sage grouse

Since sage grouse were given candidacy under Endangered Species Act (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. In October 2013, the United States Fish and Wildlife Service (USFWS) further proposed that the Bi-State Distinct Population Segment (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, but most are now suggesting more conservative hunting regulations. The proposed listing rule for greater sage grouse range-wide will be made in fiscal year 2015.

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 if sage grouse hunting permits should be recommended for 2014.

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. This change would include the sage grouse permits as well.

Archery pheasant season

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 shifts archery-only hunting to occur before the general season and thereby expands hunting opportunities for archers. The net result was an increase of 6 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, 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.

Eurasian collared-dove

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 all year season was established in Imperial County in 2013 as a pilot program to allow the Department to assess potential enforcement problems before expanding it statewide. These concerns included misidentification of species with native doves and shooting near human structures, which these birds often inhabit. 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.

Mourning dove and white-winged dove

Both mourning dove and white-winged dove are migratory species 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.

Editorial changes

Minor editorial changes are proposed to correct two omissions of necessary text, and to move the Eurasian collared-dove, spotted dove, and ringed turtle-dove from subsection 300(b), Migratory Upland Game Birds, to subsection 300(a), Resident Upland Game Birds to clarify their status as resident species.

If you have any questions regarding this item, please contact Dr. Eric Loft, Chief of Wildlife Branch at (916) 445-3555.

Attachment

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ec: Dan Yparraguirre, Deputy Director
Wildlife and Fisheries Division
Dan.Yparraguirre@wildlife.ca.gov

Eric Loft, Ph.D., Chief
Wildlife Branch
Wildlife and Fisheries Division
Eric.Loft@wildlife.ca.gov

Craig Martz, Program Manager
Regulations Unit
Wildlife and Fisheries Division
Craig.Martz@wildlife.ca.gov

Craig Stowers, Game Program Manager
Wildlife Branch
Wildlife and Fisheries Division
Craig.Stowers@wildlife.ca.gov

Scott Gardner, Senior Environmental Scientist
Upland Game Program
Wildlife Branch
Wildlife and Fisheries Division
Scott.Gardner@wildlife.ca.gov

Mike Randall, Analyst
Regulations Unit
Wildlife and Fisheries Division
Mike.Randall@wildlife.ca.gov