



In early spring, male sage-grouse are counted on all known leks in California, including leks 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 numbers of permits ultimately recommended will be based on the following criteria (for each zone):

1. The allowable harvest level should equal 5% of the predicted fall population but constrained by the following conditions.
2. Ranges are established from 0-50 (2-bird) permits for both Lassen Zones and 0-100 (1-bird) permits for both Mono Zones.
3. For 2011, the maximum number of permits recommended will not exceed the number of permits issued in 2009. This would provide for the same number of permits issued in 2010 in 3 zones and allow the possibility of a season in the Central Lassen Zone.
4. For 2011, 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.
5. For 2011, the number of permits recommended will not be rounded downward to the nearest 5 permits as occurred 2010.

In March 2010, the United States Fish and Wildlife Service determined that Greater sage-grouse are “warranted, but precluded” for Endangered Species Act (ESA) protection both statewide and as a Distinct Population Segment in Mono County. The risks to sage-grouse are largely habitat-based. Hunting was not considered a high risk factor in the decision, which does not preclude states from continued hunting. In fact, no states have closed hunting as the result of the ESA decision, but most are now suggesting more conservative hunting regulations. Furthermore, the USFWS continues to sponsor a hunt on the Sheldon National Wildlife Refuge in Nevada. Concerns about the effects of hunting sage-grouse have been expressed in the scientific literature, including studies from California. The Department responded to those concerns by reducing recommended permit numbers substantially which were adopted by the Commission in 2007. In 2010, the Central Lassen Zone was closed to hunting to give the smallest hunted population in the state every opportunity to grow. Only the areas with the healthiest populations are open to hunting and the areas that are closed to hunting are where sage-grouse populations continue to struggle. The permit system used in California is considered one of the most conservative and best controlled hunts in sage-grouse range.

2. Change falconry season bag limit in the Mono zones.

Existing regulations in Section 300 (a)(3)(F)(2) provide for take by falconry and establish a 1 bird per day, 2 bird per season limit in the North Mono and South

Mono zones. However, the General and Archery seasons in subsections 300(a)(1)(D)(2) and 300 (a)(2)(D)(2), respectively, provide bag and possession limits of 1 per day and 1 per season in the North Mono and South Mono zones. The falconry season limit is reduced to 1 per season to be consistent with other methods of take.

Also, minor editorial changes are proposed to clarify and simplify the regulations.

3. Remove the county specific regulations for the take of white-winged doves

Existing state regulations permit the take of white-winged doves in Imperial, Riverside and San Bernardino counties. The Pacific Flyway Council has proposed that existing geographic restrictions on white-winged dove harvest be removed within California and throughout the Pacific Flyway. White-winged doves are expanding their range and now occur in California in San Diego County. The species is lightly-harvested in California and breeding bird survey data indicate an increasing population in California. Removing the county level restrictions will make the State regulation consistent with the Federal regulations, and provide for dove hunting regulations that are more easily interpretable by the hunting public.

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

Authority: Sections 200, 202, 203, and 355 Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 215, 220, 355, and 356, Fish and Game Code.

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

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

Letter dated February 10, 2011 from Mr. Larry Whalon, Acting Superintendent, Mojave National Preserve, National Park Service, United States Department of the Interior.

(e) Public Discussions of Proposed Regulations Prior to Notice publication:

No public meetings are being held prior to the notice publication. The letter from the National Park Service was received after the scheduling due dates for the February and March Fish and Game Commission meetings. 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: Establish an early youth only hunt the weekend prior to the general season for quail and chukar on the Mojave National Preserve.

General quail season in Zone Q3 (balance of the state excluding Zone Q2) opens the third Saturday in October and extends through the last Sunday in January. In an effort to foster and promote greater youth involvement in upland game bird conservation, a youth hunt-only chukar and quail season in the Mojave National Preserve has been proposed by the National Park Service for the first Saturday in October extending for two days. This proposal would establish a new hunt zone for both quail, under section 300(a)(1)(B), and chukar, under section 300 (a)(1)(C).

Without this alternative, youth hunts will be held concurrently with the general chukar and quail season opener and Deer Zone D17 opener, or will occur during the general hunting season when adult hunters will be competing with youth hunters.

There have been increasing attempts to foster hunter recruitment and retention throughout the United States to increase support for wildlife conservation. Many states, including California, have adopted special hunting regulations or established programs to facilitate the entry of new hunters into the activity. The Department has several concerns about this specific proposal. An earlier opening date will mean that younger, less flight capable birds may be available for harvest, and that higher temperatures for the physical nature of quail and chukar hunting may be difficult for young hunters. This special opportunity in an area as large as Mojave National Preserve may also create enforcement difficulties. It is not clear if the Mojave National Preserve has internal capabilities to establish and conduct another successful hunting experience without this state regulation change. Furthermore, there is little evidence that suggests the proliferation of special opportunities for beginning hunters has affected the recruitment or retention of new hunters. Special opportunities sometimes come at the cost of opportunity for adult hunters, who have commented that special pre-season hunts affect their enjoyment of the activity. There is little empirical evidence to support either perspective, and this alternative is presented for consideration.

- (b) No Change Alternative: Without a change to ranges, the sage-grouse permit numbers would not be calculated based on current year data.

Without a regulation change relative to white-winged doves, state regulations will not be in compliance with a Flyway Council proposal and will be unnecessarily restrictive.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation change is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation change.

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.

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: None.

- (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 regulations provide general hunting seasons for taking resident game birds. The Department is recommending 2 changes, including a range of permit numbers for the 2011 sage-grouse hunting season and changing the regulation for white-winged dove harvest to make it consistent with proposed changes to Federal regulations.

Existing regulations 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 2011 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 2011:

East Lassen: 0-50 (2-bird) permits

Central Lassen: 0-50 (2-bird) permits

North Mono: 0-100 (1-bird) permits

South Mono: 0-100 (1-bird) permits

Existing regulations in Section 300 (a)(3)(F)(2) provide for take by falconry and establish a 1 bird per day, 2 bird per season limit in the North Mono and South Mono zones. This regulation is inconsistent with subsections 300(a)(1)(D)(2) and 300 (a)(2)(D)(2) where the bag and possession limits are 1 per day and 1 per season, in the North Mono and South Mono zones.

Also, minor editorial changes are proposed to clarify and simplify the regulations.

Existing regulations permit white-winged dove harvest in San Bernardino, Riverside and Imperial counties. A proposal to amend the federal regulations to permit white-winged dove harvest throughout California and the entire Pacific Flyway has been made by the Pacific Flyway. If adopted by the Federal government, federal regulations would permit the harvest of white-winged doves throughout California. The proposal would make the state regulation consistent with the Federal regulation.

Additionally, an alternative is provided to consider an early youth-only hunt for chukar and quail in the Mojave National Preserve. This proposal from the National Park Service would provide for a youth-only hunt for chukar and quail for the first Saturday in October extending for two days. Existing regulations for general quail season in Zone Q3 (balance of the state excluding Zone Q2) open the quail and chukar seasons on the third Saturday in October and extends through the last Sunday in January.