

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to Amend Section 300
Title 14, California Code of Regulations
Re: Upland Game Hunting, Sage-grouse permits

I. Statement of Facts Constituting the Need for Emergency Regulatory Action:

On August 12, 2012, a wildfire (Rush Fire) started from lightning strikes in the East Lassen Hunt Zone for sage-grouse. As of August 21, the fire had grown to over 285,000 acres and had burned a significant acreage of priority sage-grouse habitat in the East Lassen Hunt Zone. The fire was less than half contained and was expected to continue for at least several more days.

Much of the highest quality habitat that supports this Lassen County sage-grouse population for both the Central Lassen Hunt Zone and the East Lassen Hunt Zone has burned, including several of the most important lek (strutting/breeding) sites.

Regulated hunting is not considered a cause of significant mortality for sage-grouse on an annual basis and under normal conditions because the states all take a conservative approach to the level of hunting authorized and use data-driven estimates of population trend.

Section 300(a)(1)(D) 4 provides East Lassen Zone 20 permits and Central Lassen Zone 11 permits for the general sage-grouse season. Sage-grouse hunting has been authorized to start on September 8 for the two-day season (Sept. 8-9, 2012) in the East Lassen and Central Lassen zones.

Because of the uncertainty regarding the direct/indirect impact of the fire on the overall sage-grouse population in the East Lassen Zone, there is uncertainty whether the limited hunting proposed could have an impact on the population. At a minimum, we know that over 200,000 acres of sage-grouse habitat has been lost including key lek areas. In the face of this uncertainty, and due to the long-standing strategy of conservative management of the species in California, the Department is recommending action be taken to reduce the 2012 quota to 0 permits in the East Lassen Zone.

The U.S. Fish and Wildlife Service has identified the sage-grouse as a candidate species for listing under the Federal Endangered Species Act. Consequently, in the 11 western United States where there are sage-grouse populations, there is a collective, intensive scientific and policy level effort to identify the factors most affecting sage-grouse populations and work to implement conservation actions that will preclude the need to list sage-grouse in 2015. Wildfire and the resulting loss of sagebrush habitat is considered one of the top threats to sage grouse in the west.

The Department does not recommend a change to the Central Lassen Zone at this date, but will plan to have more up to date assessment at the time of the hearing to

provide a specific recommendation (to modify, or not, the quota for Central Lassen Zone) for the Commission.

II. 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) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (b) Nondiscretionary Costs/Savings to Local Agencies: None.
- (c) Programs mandated on Local Agencies or School Districts: None.
- (d) 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.

III. Plain English Statement:

It has been determined that the adoption/amendment of these regulations may affect small businesses. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342(e) and 11346.2(a)(1).

IV. Authority and Reference:

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 203, and 355 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 203, 203.1, 215, 220, 355, and 356 of said Code.

V. Section 240 Finding:

Pursuant to Section 240 of the Fish and Game Code, the Commission made the finding that the adoption of this regulation is necessary for the immediate conservation, preservation or protection of birds, mammals, reptiles, or fish, including, but not limited to, any nests or eggs thereof.

Informative Digest (Plain English Overview)

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The benefit of the proposal is for the conservation of the species.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate upland game hunting regulations.