

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 300
Title 14, California Code of Regulations
Re: Upland Game Birds

- I. Date of Initial Statement of Reasons: April 16, 2012
- II. Date of Pre-adoption Statement of Reasons: July 18, 2012
- III. Date of Final Statement of Reasons: August 8, 2012

IV. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: May 23, 2012
Location: Monterey
- (b) Discussion Hearings: Date: June 20, 2012
Location: Mammoth Lakes
- (c) Adoption Hearing: Date: August 8, 2012
Location: Ventura

V. Update:

Sage-grouse hunting permit ranges proposed in the original language have been changed to a specific number to establish the 2012 permit numbers by hunt zone. Specific hunting permit numbers were established following completion of lek counts and analyzing that information to project fall population size.

On August 8, 2012 the Commission adopted the following sage-grouse hunting permit numbers for 2012 by hunt zone:

North Mono: 30
South Mono: 30
East Lassen: 20
Central Lassen: 11

No other modifications were made to the originally proposed language of the Initial Statement of Reasons.

VI. Summary of Primary Considerations Raised in Support of and in Opposition to the Proposed Action and Reasons for Rejecting Those Considerations:

- (a) Description of Proposed Action by Public: The National Park Service provided its support for the junior quail hunting season on the Mojave National Preserve.

Proposal Source. Neil Darby, National Park Service (oral comments on 8/8/12).

Response. Supports proposal.

- (b) Description of Proposed Action by Public: The Society for Conservation of Bighorn Sheep provided support for the junior quail season in the Mojave National Preserve as proposed by the Department.

Proposal Source. Bob Burke, Society for the Conservation of Bighorn Sheep (oral comments on 6/20/12).

Response. Supports proposal with the addition of Alternative 2 for a longer pheasant archery season. The Department did not recommend any increases in pheasant season length for the reasons discussed in the Initial Statement of Reasons. However, the Department will consider the request for an early archery season next year.

- (c) Description of Proposed Action by Public: The California Bowmen Hunters (CBH) asked the Commission to adopt Alternative 2, to increase pheasant archery season length. In lieu of a later season in Alternative 2, which was not recommended by the Department, CBH asked the Commission and Department to consider an earlier archery season before the start of the general season.

Proposal Source. Wayne Raupe, California Bowmen Hunters (oral comments made on 6/20/12 and 8/8/12).

Response. As indicated above, the Department did not propose any increases in pheasant season length for the reasons discussed in the Initial Statement of Reasons. However, the Department will consider the request for an early archery season next year.

- (d) Description of Proposed Action by Public: The California Outdoor Heritage Alliance (COHA) provided its support for the sage-grouse, junior quail hunting season, and wild turkey proposals made by the Department. Additionally, COHA requested that the Commission adopt Alternative 2 for an increased archery season for pheasants

Proposal Source. Bill Gaines, California Outdoor Heritage Alliance (oral comments on 6/20/12 and 8/8/12)

Response. Supports proposal with the addition of Alternative 2 for a longer pheasant archery season. As indicated above, the Department did not recommend any increases in pheasant season length for the reasons

discussed in the Initial Statement of Reasons. However, the Department will consider the request for an early archery season next year.

- (e) Description of Proposed Action by Public: The California Waterfowl Association (CWA) provided its support for the sage-grouse, junior quail hunting season, and wild turkey proposals made by the Department. Additionally, CWA requested that the Commission adopt Alternative 2 for an increased archery season for pheasants.

Proposal Source. Mark Hennelly, California Outdoor Heritage Alliance (oral comments on 8/8/12).

Response. Supports proposal with the addition of Alternative 2 for a longer pheasant archery season. As indicated above, the Department did not recommend any increases in pheasant season length for the reasons discussed in the Initial Statement of Reasons. However, the Department will consider the request for an early archery season next year.

- (f) Description of Proposed Action by Public: Request to return early dove season to 30 days

Proposal Source: Benny Cathey (private citizen email dated 6/19/12)

Response: Frameworks to hunt doves are set by the United States Fish and Wildlife Service, which stipulates that dove season in California may not be more than 60 days, split between two periods: September 1-15 and November 1-January 15. The Department and Commission do not have the authority to authorize a 60 day early season for doves as requested.

Responses to other written public comments received were included in the Pre-adoption Statement of Reasons.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, CA 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

- 1) Increase archery pheasant season length.

This alternative would increase the current pheasant archery season by 15 days. Given the decline in pheasant populations and harvest discussed previously, the Department is not recommending any increases in overall pheasant season length.

- 2) Restore previous general and archery pheasant season length.

This alternative would reduce pheasant general season by 14 days to and maintain the current archery seasons. This would restore the previous 30-day general season and 60-day archery pheasant season. Considerably more people hunt the general season than the archery season and given the reduction in harvest and population size previously discussed, reductions in general pheasant season length may be prudent to reduce overall harvest of pheasant.

- 3) Increase fall turkey season length but maintain season limit of one bird.

This alternative would increase the fall turkey season length by 30 days, and maintain the season limit of one bird. One of the main reasons for recommending and increase in fall turkey season length is to give hunters more opportunity to hunt turkeys during the fall hunting seasons for other upland game birds. Another reason is because of the increase in turkey populations in recent years. As previously described, the more restrictive fall season was originally implemented to shift the focus of the annual turkey harvest to the spring, when only males are harvested, having less impact to the population and thereby, providing more hunting opportunity during the more popular spring season. Although the statewide wild turkey population appears that it can withstand a large increase in fall harvest, the potential effects of fall hunting could have an impact at a local scale, particularly on public lands. An abundance of caution could be applied by increasing the season length to give more opportunity to harvest a bird, but with no change to the season limit of one bird.

- 4) Increase number of sage grouse hunting permits

There is no reasonable alternative to the proposed action

- (b) No Change Alternative:

Without a regulation change, sage-grouse permit numbers would not be calculated based on current year data.

Without a regulation change to provide for a junior quail season on the Mojave National Preserve, youth would have to hunt in conjunction with the general chukar and quail season opener and after the opening of Deer Zone D17, when adult hunters will be competing with youth hunters.

Without a regulation change to increase wild turkey season, an overly restrictive fall season length and limit would remain, potentially contributing to issues associated with overabundant turkey populations.

- (c) Consideration of Alternatives: In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

X. 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 determinations regarding 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2012-2013. The best available information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about \$659,366,000 on hunting trip-related and equipment expenditures in California in 2006. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase upland game populations, and subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources.

(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

Updated Informative Digest (Policy Statement Overview)

Current regulations (Section 300(a), Title 14, CCR) provide general hunting seasons for taking resident game birds. The Department is recommending 3 regulation changes, including: 1) A range of permit numbers for the 2012 sage-grouse hunting season, 2) A junior hunting season for quail on the Mojave National Preserve, and 3) an increase in fall season length and season limit for wild turkey.

Current regulations under subsection 300(a)(1)(D)(4) 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 2012 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 2012:

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

Current regulations of subsection 300(a)(1)(B) provide for general quail season in Zone Q3 opening the third Saturday in October and extending through the last Sunday in January. This proposal would establish a junior hunting season for quail in the Mojave National Preserve, San Bernardino County, beginning the first Saturday in October and extending for two days, under subsection 300(a)(1)(B)(1)(d). The hunt is recommended only for the Mojave National Preserve at this time because there is already an organized effort for a quail hunt, while additional junior quail hunts are evaluated for other areas of the state.

Current regulations of subsection 300(a) provide for a fall wild turkey hunting season beginning the second Saturday in November, extending for 16 days, with a season limit of one either-sex bird. Increases in turkey populations and related problems with their overabundance in some areas, suggest that the current fall season is overly restrictive. This proposal would increase the wild turkey fall season length from 16 to 30 days for the general season (300(a)(1)(G)(1)(a)), archery season (300(a)(2)(G)(1)(a)), and falconry season (300(a)(3)(G)(1)(a)), and increase the season limit to 2 turkeys of either sex for the general season (subsection 300(a)(1)(G)(2)), archery season (300(a)(2)(G)(2)), and falconry season (300(a)(3)(G)(2)). Because fall hunting could have an impact to turkey populations on some public lands, an alternative is also presented to increase the season length, thereby providing hunters more time to harvest a bird, but maintain the current season limit of one bird.

Additionally, two alternatives were considered for potential changes to pheasant regulations: 1) restore the 30 day archery only season by adding 15 days to the end of the season; and, 2) restore the 30 day archery only season by reducing the general season by 14 days. Existing regulations provide for a 44-day general pheasant season (300(a)(1)(A)(1) and 60-day archery pheasant season (300(a)(2)(A)(1). The California

Bowmen Hunters (CBH) have requested a 30-day archery-only season for pheasants after the end of the general season. The general pheasant season was increased from 30 days to 44 days in the early 2000s. However, the 60 day archery season was not changed at the same time. The net result was a decrease from 30 days to 15 days of archery-only hunting. Because of significant declines in pheasant populations and harvest, the Department is not recommending any modifications in the pheasant season length at this time. Further evaluation of pheasant populations and habitat conditions is needed before making recommendations to modify the season.

The benefits of the proposed changes are to maintain or increase upland game populations and to ensure their continued existence.

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

After completion of spring lek counts and subsequent population modeling and fall population projections, sage-grouse hunting permit ranges proposed in the Initial Statement of Reasons have been changed to specific permit recommendations by hunt zone as follows:

North Mono: 30, 1-bird permits
South Mono: 30, 1-bird permits
East Lassen: 20, 2-bird permits
Central Lassen: 11, 2-bird permits

The Commission adopted the regulations as proposed by the Department at the August 8, 2012 adoption hearing.