

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

**REGULAR**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-2016-0425-04</b>	REGULATORY ACTION NUMBER <b>2016-1018-03S</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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**ENDORSED - FILED**

in the office of the Secretary of State of the State of California

NOV 10 2016  
1:48pm

2016 OCT 18 P 4: 31  
OFFICE OF ADMINISTRATIVE LAW

<b>AGENCY WITH RULEMAKING AUTHORITY</b> Fish and Game Commission	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2016, 19-2</b>	PUBLICATION DATE <b>5/6/2016</b>	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Upland Game Birds	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
<table border="1"> <tr> <td rowspan="3"><b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b></td> <td>ADOPT</td> </tr> <tr> <td>AMEND 300, 311, 745.5</td> </tr> <tr> <td>REPEAL</td> </tr> </table>	<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT	AMEND 300, 311, 745.5	REPEAL
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>		ADOPT		
		AMEND 300, 311, 745.5		
	REPEAL			
TITLE(S) 14				

3. TYPE OF FILING
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <b>Nov. 11, 2016</b>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Caren Woodson	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) caren.woodson@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa A. Miller-Henson</i>	DATE 10/18/16
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Program Manager, Fish and Game Commission	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

NOV 10 2016

Office of Administrative Law

**REGULATORY LANGUAGE**

Section 300, Title 14, CCR, is amended to read as follows:

**§ 300. Upland Game Birds.**

- (a) Resident Upland Game Birds
- (1) General Seasons: Shotgun; Crossbow; and Pistol/Revolver for Sooty/Ruffed Grouse Only; Bag and Possession Limits and Open Areas  
(see Authorized Methods of Take, Section 311)

... [No Changes subsections 300(a)(1)(A) through (a)(1)(E)]

<i>Species</i>	<i>1. Seasons</i>	<i>2. Daily Bag and Possession Limits</i>
(F) White-Tailed Ptarmigan	The second Saturday in September extending for nine consecutive days	Bag Limit: 2 ptarmigan per day, 2 per season  Possession Limit: 2 per season

~~PTARMIGAN HUNTING ZONE DESCRIPTIONS~~

~~3. Area Open Zone: The open hunting zone for ptarmigan includes Alpine County and that portion of Mono County lying north and west of a line beginning at the intersection of Highway 203 and the Madera County line; east on Highway 203 to Highway 395; and north on Highway 395 to the Nevada state line.~~

3. Area: Statewide

... [No Changes subsections (a)(1)(G) through (b)]

Note: Authority cited: 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.

## REGULATORY LANGUAGE

Section 311, Title 14, CCR, is amended to read as follows:

### **§ 311. Methods Authorized for Taking Resident Small Game.**

The take or attempted take of any resident small game with a firearm shall be in accordance with the use of nonlead projectiles and ammunition pursuant to Section 250.1. Only the following may be used to take resident small game:

... *[No Changes subsections 311(a) through (d)]*

(e) Bow and arrow (see Section 354 for archery equipment regulations).

(1) It shall be unlawful to take wild turkey by use of hunting arrows and crossbow bolts unless fitted with a broad head type blade which will not pass through a hole seven-eighths inch in diameter. Mechanical/retractable broad heads shall be measured in the open position.

... *[No Changes subsections (f) through (j)]*

(k) Archers hunting during any archery season may not use or possess a firearm while in the field engaged in archery hunting during an archery season except as provided in subsection (k)(1).

(1) Nothing in this section shall prohibit the lawful possession of a concealed firearm by an active peace officer listed in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code or a retired peace officer in lawful possession of an identification certificate issued pursuant to Penal Code Section 25455 authorizing the retired officer to carry a concealed firearm. Nor shall this section prohibit the lawful possession of a concealed firearm pursuant to a concealed carry permit issued pursuant to Penal Code sections 26150 or 26155.

... *[No Changes subsections (l) through (o)]*

Note: Authority cited: Sections 200, 202 and 203, Fish and Game Code. Reference: Sections 200, 203 and 3004.5, Fish and Game Code.

## REGULATORY LANGUAGE

Section 745.5, Title 14, CCR, is amended to read as follows:

### **§745.5. Revocation or Suspension of Hunting or Sport Fishing Privileges.**

(a) The commission may suspend or revoke a person's hunting or sport fishing license or permit privileges, provided that:

(1) in a court of law the person is convicted of a violation of any provision of the California Fish and Game Code; any provision of ~~Title 14, California Code of Regulations~~ these regulations; or any other provision of law intended to protect fish and wildlife of the State of California; and

(2) the commission complies with the procedures set forth in ~~section 746 Title 14, California Code of Regulations.~~ Section 746 of these regulations.

(3) the hearing officer determines the person committed the offense intentionally, knowingly, or recklessly.

(b) The department may suspend or revoke a person's hunting or sport fishing license or permit privileges for any violation of Section 311 of these regulations.

~~(b)-(c)~~ (c) A person whose license or permit privileges have been suspended or revoked pursuant to subsection (b) herein, or Fish and Game Code Sections 12154, 12155, or 12156, may appeal the revocation to the commission, and the commission shall comply with the procedures set forth in ~~subdivision (a) of section 746, Title 14, California Code of Regulations~~ subsection 746(a) of these regulations.

~~(c)-(d)~~ (d) The procedures set forth in ~~section 746, Title 14, California Code of Regulations~~ Section 746 of these regulations shall not apply to a person described in subdivision (a) of Fish and Game Code ~~Section~~sections 4340 and 4754.

~~(d)-(e)~~ (e) As used in this section, "license or permit privileges" means the privilege of applying for, purchasing, and exercising the benefits conferred by a license or permit issued by the ~~Department of Fish and Game~~ department.

~~(e)-(f)~~ (f) Any person whose license or permit privileges have been suspended or revoked shall be subject to the terms of the Wildlife Violator Compact as set forth in Fish and Game Code Section 716.

Note: Authority cited: Section 12155.5, Fish and Game Code. Reference: Sections 4340, 4754, 12154, 12155, 12155.5 and 12156, Fish and Game Code.