

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

Amend Sections 300, 311 and 745.5  
Title 14, California Code of Regulations

Re: Upland Game Birds; Methods Authorized for Taking Resident Small Game; and Revocation or Suspension of Hunting or Sport Fishing Privileges.

I. Date of Initial Statement of Reasons: March 11, 2016

II. Date of Final Statement of Reasons: September 27, 2016

III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: April 14, 2016  
Location: Santa Rosa, CA

(b) Discussion Hearing: Date: June 23, 2016  
Location: Bakersfield, CA

(c) Adoption Hearing: Date: August 25, 2016  
Location: Folsom, CA

IV. Update:

1. Amend subsection 300(a)(1)(D)4: Adjust the annual number of General Season sage grouse hunting permits by zone for the 2016-17 season.

The Fish and Game Commission (Commission) adopted the no-change alternative maintaining the same sage grouse permit levels from the previous 2015 season for the 2016 season:

East Lassen:	0 (2-bird) permits
Central Lassen:	0 (2-bird) permits
North Mono:	30 (1-bird) permits
South Mono:	0 (1-bird) permits

2. Amend subsection 300(a)(1)(F)3 to delete the current white-tailed ptarmigan hunting zone description and add a new statewide area.

The Commission adopted the proposed change as described in the ISOR.

3. Amend subsection 311(e) to require the use of broad head blades on hunting arrows and crossbow bolts for the take of wild turkey.

The Commission adopted the proposed change as described in the ISOR.

4. Amend subsection 311(k) to authorize current or honorably retired peace officers and hunters who possess a CCW permit to possess a firearm while hunting upland game birds during archery only seasons for personal protection. The use of any firearm during archery season remains prohibited.

The Commission adopted the proposed change as described in the ISOR.

5. Amend Section 745.5 to authorize the Department to suspend or revoke the hunting or sport fishing license or privileges for a violation of Section 311.

The Commission adopted the proposed change as described in the ISOR.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

1. [Amend subsection 300\(a\)\(1\)\(D\)4: See Appendix A, Department Responses to Public Comments received during the public notice period.](#)
2. Amend subsection 300(a)(1)(F)3: No comments were received during the notice period.
- 3-5. [Amend sections 311 and 745.5: See Appendix B, Department Responses to Public Comments received during the public notice period.](#)

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department Files:

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

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No Alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

1. The Fish and Game Commission adopted the no-change alternative for subsection 300(a)(1)(D)4. maintaining the same Sage grouse permit levels from the previous 2015 season for the 2016 season.

2. Without a regulation change to subsection 300(a)(1)(F):

The hunting zone for ptarmigan would be limited to the current description in regulation, not statewide and result in fewer opportunities to hunt this non-native species.

3. Without a regulation change to Section 311(e):

Any hunting arrows and crossbow bolts would continue to be allowed for the take of wild turkey, some of which are not as effective and result in wounding that does not quickly dispatch the animal.

4. Without a regulation change to Section 311(k):

Possession of a firearm by any person during an archery season will remain a violation.

5. Without a regulation change to Section 745.5:

The regulation would not be clear that (with the change to 311(k)) a person legally authorized to carry a firearm in accordance with the statutory provisions for peace officers and holders of concealed carry permits may not use the firearm for the purpose of taking an animal during archery season.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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, because the regulations propose only minor changes not affecting business.

- (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 Commission does not anticipate any impacts on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the regulations propose only minor changes not affecting jobs.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission 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

The regulations in Section 300, Title 14, California Code of Regulations (CCR), provide general hunting seasons for taking resident and migratory upland game birds. Section 311 identifies the authorized methods of take for all resident small game species. Section 745.5 sets forth the procedures for the suspension or revocation of a person's hunting or sport fishing license or permit privileges. The Department is recommending the following regulation changes:

1. Amend subsection 300(a)(1)(D)4.: Adjusts the annual number of General Season sage grouse hunting permits by zone for the 2016-17 season.
2. Amend subsection 300(a)(1)(F): Deletes the current white-tailed ptarmigan hunting zone description and adds a new statewide area allowing ptarmigan to be taken anywhere they are found in California in accordance with the authorized season, bag limit, and possession limit.
3. Amend Section 311(e) by adding a new subsection (1): Requires the use of broad head blades which will not pass through a hole seven-eighths inch in diameter on hunting arrows and crossbow bolts for the take of wild turkey.
4. Amend Section 311(k) and add a new subsection (1): Authorizes possession of a firearm during archery-only seasons by hunters authorized to carry concealable firearms via a CCW permit or peace officer endorsement. Use of a firearm to hunt during archery only seasons is a violation.
5. Amend subsections 745.5(b) and (c). Authorizes revocation or suspension of hunting or sport fishing privileges by the Department for violation of Section 311 as amended.

### Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits, and authorized methods of take provides for the maintenance of sufficient populations of upland game birds to ensure their continued existence.

### Non-monetary benefits to the public

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.

### Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to section 300, 311, and 745.5 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

**Update:**

**The Fish and Game Commission adopted the proposed regulations as described in the ISOR at its August 25, 2016, meeting, except that:**

- **The Fish and Game Commission adopted the no-change alternative for subsection 300(a)(1)(D)4, maintaining the same Sage grouse permit levels from the previous 2015 season for the 2016 season:**

<b>East Lassen:</b>	<b>0 (2-bird) permits</b>
<b>Central Lassen:</b>	<b>0 (2-bird) permits</b>
<b>North Mono:</b>	<b>30 (1-bird) permits</b>
<b>South Mono:</b>	<b>0 (1-bird) permits</b>

- **Regarding the No Change Alternative described in the ISOR, Part VIII, (b)5, Section 745.5, without a change the Department would not have authority to suspend or revoke a person's hunting or sport fishing license or permit privileges for any violation of Section 311 of these regulations.**

**There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.**