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Fish and Game Commission

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

June 13, 2012

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 300, Title 14, California Code of Regulations, relating to upland game hunting, which will be published in the California Regulatory Notice Register on June 15, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Staff Services Analyst

Attachment

JUN 20 2012

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6/20/12

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), 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, proposes to amend Section 300, Title 14, California Code of Regulations, relating to Upland Game Birds.

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.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the Mountainside Conference Center, 1 Minaret Road, Mammoth Lakes, California, on Wednesday, June 20, 2012, at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held in the Crowne Plaza Ventura Beach, Santa Rosa Room, 450 Harbor Boulevard, Ventura, California, on Wednesday, August 8, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 1, 2012, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 3, 2012. All comments must be received no later than August 8, 2012, at the hearing in Ventura, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Programs Branch, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

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; 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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: June 5, 2012

COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS
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