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STATE OF CALIFORNIA

Fish and Game Commission

July 19, 2010

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of a Continuation Notice of Proposed Regulatory Action, and Notice of Addition of Document to Rulemaking File, relative to Section 300, Title 14, California Code of Regulations, regarding Upland Game Bird Hunting.


During the regulatory process to amend the section noted above, changes were made to the originally proposed language. Because the modified proposed regulations are different from, yet sufficiently related to, the originally proposed regulations, the Administrative Procedure Act requires that these changes be made available to you for a 15-day written comment period.

Attached for your review is the modified proposed regulatory language, with new additions shown in underline and deletions shown in strike-out.

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

Dr. Eric Loft, 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

Attachments

2010 JUL 23 P 12:00

BOARD OF SUPERVISORS

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

**(Continuation of California Notice Register 2010, No. 25-Z,
and Meetings of May 6, 2010, and June 24, 2010.)**

(NOTE: See Updated Informative Digest changes shown with strikeout/underline format.)

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 bird hunting regulations.

Updated Informative Digest/Policy Statement Overview

The existing regulations provide a general hunting season for taking resident upland game birds. Subsection 300(a)(1)(D) provides for general season hunting of sage grouse in Lassen, Mono and Inyo counties. A limited number of permits are issued annually.

This Initial Statement of Reasons is intended to reduce any potential impact hunting may have on these populations by reducing the number of permits issued to 0 providing options for the Fish and Game Commission to select the number of permits issued for greater sage grouse. The Department is currently working with other agencies, land-owners, and stakeholders to develop and implement conservation plans for sage-grouse in California. By eliminating any mortality due to hunting, the Department will be maximizing the potential for the population to increase and expand. This proposed action would also demonstrate to land management agencies and landowners in sage grouse range, the seriousness of needing more effective habitat conservation actions to ensure sage grouse do not become, or need to become, fully listed at either the federal level, or at the state level.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference hearing to be held at the Resources Building, 1416 Ninth Street, Sacramento, California, on Thursday, August 5, 2010, at 10:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. It is requested but not required that written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 2, 2010. All comments must be received no later than August 5, 2010, at the hearing in Sacramento, 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, Jon K. Fischer, Deputy 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 Jon K. Fischer, or Sheri Tiemann at the preceding address or phone number.

Dr. Eric Loft, 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. Copies of the Amended 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

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 Department does not believe that the proposed action will have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant economic impact to businesses.

- (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:

None

- (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:
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. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

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 or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: July 19, 2010

Jon K. Fischer
Deputy Executive Director

Regulatory Language

Subsection 300(a)(1)(D)4., Title 14, CCR is amended as follows:

300(a)(1)(D)(4.) Number of Permits:

- a. East Lassen Zone: 0 0 to 20
- b. Central Lassen Zone: 0 0 to 15
- c. North Mono Zone: 0 0 to 25
- d. South Mono Zone: 0 0 to 35

NOTE: Authority: 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.

**CALIFORNIA FISH AND GAME COMMISSION
1416 Ninth Street, Room 1320
Sacramento, CA 95814**

July 19, 2010

NOTICE OF ADDITION OF DOCUMENT TO RULEMAKING FILE

Pursuant to the requirements of Government Code Section 11347.1, the California Fish and Game Commission is providing notice that the following document which the agency will rely upon in adopting the proposed regulations, has been added to the rulemaking file and is available for public inspection and comment.

- Gibson, R. M., V. C. Bleich, C. W. McCarthy, T. L. Russi. In Press. Recreational Hunting can Lower Population Size in Greater Sage-Grouse. *Studies in Avian Biology*. 15pp.

This document is available for public inspection at the Commission's office located at 1416 Ninth Street, Room 1320, Sacramento, CA 95814, from July 19, 2010 through August 3, 2010, between the hours of 8:00 a.m. and 5:00 p.m. Written comments regarding the document must be submitted on or before August 3, 2010, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov.

Jon K. Fischer, Deputy Executive Director
California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814