

# REGULAR

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2018-0501-01	2018-1012-045	

For use by Office of Administrative Law (OAL) only

RECEIVED DATE	PUBLICATION DATE	OFFICE OF ADMINISTRATIVE LAW
MAY 01 '18	MAY 11 '18	
Office of Administrative Law		
NOTICE	REGULATIONS	

**ENDORSED - FILED**

In the office of the Secretary of State of the State of California

NOV 28 2018

1:46 PM

AGENCY WITH RULEMAKING AUTHORITY	AGENCY FILE NUMBER (if any)
Fish and Game Commission	

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Sage Grouse Preference Points and Draw	14	300	May 11, 2018
3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	Jon Snellstrom	(916) 653-4899	
OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		2018-19-2	5/11/2018

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

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Sage Grouse Preference Points and Draw	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	716
	AMEND
	300
TITLE(S)	REPEAL
14	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

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 checked="" 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 type="checkbox"/> Effective other (Specify) _____

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	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Jon Snellstrom	916-653-4899		jon.snellstrom@fgc.ca.gov

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	DATE
<i>Thesell</i>	Oct. 12, 2018
TYPED NAME AND TITLE OF SIGNATORY	
David Thesell, Program Manager	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

NOV 28 2018

Office of Administrative Law

## REGULATORY LANGUAGE

Subsections 300(a)(1)(D)5 and 6; 300(a)(2)(D)3; and, 300(a)(3)(F)3, Title 14, California Code of Regulations are 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 to subsections (a)(1)(A) through (a)(1)(D)4.d.]

5. Permit Process: Sage grouse permits shall be issued pursuant to Section 716, Sage Grouse Permit Application and Drawing Process.

~~The free sage grouse hunting permits shall be issued by random drawing. Applicants must have a valid California hunting license and shall submit only one drawing application for either the East Lassen Zone, Central Lassen Zone, North Mono Zone, or the South Mono Zone. Up to four hunters may apply as a party. Applications must be submitted through the Automated License Data System by August 10. Each application will be issued a computer-generated random number and permits shall be issued by random number (from lowest to highest). Party applications shall receive a single random number and parties shall not be split to meet the number of permits available. Successful applicants will be notified by mail prior to the opening date of the season. Permits are nontransferable.~~

6. ~~Falconry Only Permits:~~

~~Applicants desiring to use a sage grouse permit during the falconry-only season must declare upon the application that the permit is for falconry only.~~

... [No changes to subsections (a)(1)(E) through (a)(1)(I)3. ]

(2) Archery Seasons, Bag and Possession Limits and Open Areas  
 (see Authorized Methods of Take, sections 311 and 354)

... [No changes to subsections (a)(2)(A) through (a)(2)(C)3. ]

<i>Species</i>	<i>1. Seasons</i>	<i>2. Daily Bag and Possession Limits</i>
(D) Sage Grouse	The second Saturday in September extending for 2 consecutive days	See area open zone descriptions in subsection 300(a)(1)(D)3.  East and Central Lassen zones: Bag Limit: 2 sage grouse per day, 2 per season  Possession Limit: 2 sage grouse per season  North Mono and South Mono zones: Bag Limit: 1 sage grouse per day, 1 per season  Possession Limit: 1 sage grouse per season

3. Area: Open Zone: see open zone descriptions in subsection 300(a)(1)(D)3., which include portions of Lassen, Mono, and Inyo counties. Hunting by free-permit only; see permit process in subsection ~~300(a)(1)(D)5.~~ Section 716 for details.

... [No changes to subsections (a)(2)(E) through (a)(2)(H)3. ]

*(3) Falconry Seasons, Bag and Possession Limits and Open Areas  
(see Authorized Methods of Take, Section 311)*

*... [No changes to subsections (a)(3)(A) through (a)(3)(E)3. ]*

<i>Species</i>	<i>1. Seasons</i>	<i>2. Daily Bag and Possession Limits and Hawking Hours</i>
(F) Sage Grouse	The first Saturday in November extending for 60 consecutive days, and during the general season	See area open zone descriptions in subsection 300(a)(1)(D)3.  East and Central Lassen zones: Bag Limit: 2 sage grouse per day, 2 per season Possession Limit: 2 sage grouse per season  North Mono and South Mono zones: Bag Limit: 1 sage grouse per day, 1 per season Possession Limit: 1 sage grouse per season  Hawking hours are sunrise to sunset.

3. Area: See open zone descriptions in subsection 300(a)(1)(D)3. Hunting by-free permit only; see permit process in ~~subsection 300(a)(1)(D)5.~~ Section 716 for details.

*...[No changes to subsections (a)(2)(G) through (b)(1)(C)3. ]*

Note: Authority cited: Sections 200, 203, 265 and 355, Fish and Game Code.  
Reference: Sections 200, 203, 203.1, 265, 270, 355 and 356, Fish and Game Code.

## REGULATORY LANGUAGE

Section 716 is added to Title 14, CCR, to read as follows:

### **§ 716. Sage Grouse Permit Application and Drawing Process.**

(a) A drawing shall be held annually for available sage grouse hunting permits.

(1) It shall be unlawful to hunt sage grouse without a valid sage grouse permit issued for a zone defined in Section 300, subsection (a)(1)(D)3.

(b) Application Process

(1) Applications for the number of permits specified in Section 300, subsection 300(a)(1)(D)4, shall be made available each year by July 10 through the department's Automated License Data System at department license sales offices, on the department's internet sales site and at department license agents.

(2) Applicants shall apply by August 10 of each year.

(3) All applicants shall possess a current hunting license validation, and adult applicants shall possess an upland game bird stamp validation.

(4) Applicants shall submit a nonrefundable Upland Game Bird Special Hunt Drawing Application Fee in the amount specified in Section 702.

(5) Applicants shall not submit more than one drawing application for the same license year.

(6) Applicants desiring to use a sage grouse permit during the falconry-only season must declare upon the application that the permit is for falconry only.

(7) Applicants for sage grouse hunting permits may be residents or nonresidents.

(8) Party Applications

(A) No more than four persons shall apply together as a party.

(B) Applicants shall specify if applying as an individual, a party leader or joining an existing party.

(C) Applicants applying as an individual or as a party leader shall be assigned a Party Identification Number (PIN), which will be printed on their drawing receipt.

(D) To apply as a party, the party leader shall apply first and then provide his/her assigned PIN to the other party members.

(E) Applicants joining an existing party shall provide the PIN of the party leader to join the party.

(F) Applicants joining a party shall be assigned the same zone choice as the party leader.

(G) When drawn, all party members shall be awarded permits for the zone choice selected by the party leader.

(c) Drawings for Permits

(1) The department shall award available permits using a modified-preference point drawing system.

(2) The modified-preference point drawing system shall award proportions of permit quotas using the following drawing methods:

(A) Preference Point Drawing: Permits in the preference quota are awarded based on the following order of priority: accumulated point totals (highest to lowest), and computer-generated random numbers (lowest to highest).

(B) Random Drawing: Permits in the random quota are awarded according to computer-generated random numbers (lowest to highest), without consideration of accumulated points.

(3) The available permit quantity for each zone shall be split into separate quotas as follows:

(A) Fifty percent (50%) of the individual zone permit quota shall be awarded using a preference point drawing. Permit quota splits resulting in decimal fractions shall be rounded to the next higher whole number.

(B) Fifty percent (50%) of the individual zone permit quota shall be awarded using a random drawing. Permit quota splits resulting in decimal fractions shall be rounded to the next lower whole number.

(C) For zones with quotas of one (1) permit, that permit shall be awarded using a random drawing.

(4) For party applications, the department shall use the average preference point value of all party members (total preference points for the party divided by number of party members) as the basis for consideration in the drawing. Point averages shall not be rounded.

(5) The department shall not exceed the sage grouse permit quotas established in subsection (a)(1)(D)4 of Section 300. When a party application is processed in the drawing and the available permit quota is less than the total number of party members, the application shall be unsuccessful.

(6) Successful applicants shall be determined by drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.

(7) Notification to successful applicants will be made within 10 business days of drawing completion.

(8) Unsuccessful applicants shall earn one (1) preference point annually for participating in the sage grouse permit drawing.

(9) Successful applicants issued a sage grouse permit shall have their sage grouse drawing preference point value reduced to zero (0).

(10) Preference points shall not be transferred to another person.

(11) The department shall maintain records of preference points earned by individual applicants based on their Get Outdoors ID (GO ID) customer identification number assigned by the department's Automated License Data System.

(A) The GO ID number shall be printed on each drawing receipt issued by the Automated License Data System.

(B) Applicants shall notify the department's License and Revenue Branch in Sacramento of any changes or corrections to information required by Sections 700.3 and 700.4.

(12) Any person not applying for a sage grouse permit for ten (10) consecutive years shall have their preference points for the sage grouse drawing reduced to zero (0).

(13) For the purposes of this section, any person whose application is disqualified from the drawing shall be considered the same as a person not applying.

Note: Authority cited: Sections 200, 203 and 1050, Fish and Game Code.

Reference: Sections 702, 1050, 1055.1, 3500, 3682.1 and 3683, Fish and Game Code.