

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 502
Title 14, California Code of Regulations
Re: Waterfowl, Migratory; American Coot; and
Common Moorhen (Common Gallinule)

- I. Date of Initial Statement of Reasons: May 9, 2007

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 8, 2007
Location: Truckee, CA

 - (b) Discussion Hearing: Date: July 13, 2007
Location: Bridgeport, CA

 - (c) Adoption Hearing: Date: August 10, 2007
Location: Santa Barbara, CA

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The U.S. Fish and Wildlife Service (Service) annually establishes federal regulation “frameworks” in August after they analyze current waterfowl population data and gather input from the public. These “frameworks” stipulate the earliest waterfowl hunting seasons can open, the maximum number of days hunting can occur, the latest hunting seasons must close, and the maximum daily bag limit, among other things. States must set waterfowl hunting regulations within the federal frameworks.

States may make recommendations to change federal framework regulations. These recommendations are made to Flyway Councils during March and July. The Councils may elect to forward these to the Service. The Service may elect to incorporate proposed changes in the “framework” regulations. For most waterfowl hunting season regulations, the Service establishes the “framework” regulations in late July or early August at a public meeting however the publication of these decisions in the Federal Register does not occur until later in the month. California has made two proposals to change federal frameworks.

Sections 202, 355 and 356 of the Fish and Game Code authorize the Fish and Game Commission to annually adopt regulations pertaining to the hunting of migratory birds that conform with, or further restrict, the regulations prescribed by the Service pursuant to their authority under the Migratory Bird Treaty Act. The Fish and Game Commission selects and establishes in State regulations the specific hunting season dates and daily bag limits within the federal frameworks.

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. Four changes are currently proposed for Section 502. Items 2 and 3 require Flyway Council and Service approval pursuant to the process described above. Item 4 is proposed to provide notice that other framework regulations may change in 2007.

The five proposed changes are:

1. Change the name of Humboldt Bay (South) Special Management Area to Humboldt Bay South Spit Special Management Area.

The existing name implies that the Special Management Area is Humboldt Bay but the description refers to the spit. The proposed change would clarify and accurately describe the Special Management Area.

2. Increase the goose daily bag limit in the Northeastern, Southern San Joaquin Valley and Balance of State zones from 4 to 6 geese per day.

The existing regulation allows a goose daily bag limit of 4. The proposed change would increase the daily bag limit to 6 geese per day. The proposed change would not increase the species specific bag limits but only the total bag for the day. The white-fronted goose population is currently about 500,000 birds and above the population goal of 300,000 birds established in the Flyway Management Plan. Ross' geese and lesser snow geese populations (considered as white geese in the regulations) in the Pacific Flyway are at or above population goals. The increase in the daily bag limit is intended to increase the harvest of geese and allow additional hunting opportunity.

3. Increase the Small Canada goose daily bag limit in the Southern San Joaquin Valley and Balance of State zones from 4 to 6 geese per day.

The existing regulation allows a Small Canada goose daily bag limit of 4 in the Southern San Joaquin Valley and Balance of State zones. The proposed change would increase the daily bag limit to 6 per day. Aleutian Canada geese are now feeding primarily on privately-owned pastures in Humboldt and Del Norte counties during the spring. Private landowners are concerned that unimpeded

population growth of Aleutian Canada geese is affecting the amount of grass available for livestock. The Aleutian Canada goose population has grown from about 800 birds in 1976 to approximately 118,700 in 2006. The current population exceeds the population goal of 60,000 called for in the Flyway Management Plan. The Aleutian Canada goose was listed as Endangered until 1991 and was removed from the list of Threatened species in 2001. The proposed change is intended to slow or eliminate population growth and reduce depredation on private lands through hunting activity while maintaining existing goose distribution in California.

4. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See table in the Informative Digest for season and bag limit ranges.

The existing waterfowl hunting regulations establish specific season dates and daily bag limits for each zone. This proposal provides ranges for the season dates and daily bag limits. These ranges are necessary as the specific opening and closing dates and daily bag limits can not be proposed until the California Breeding Pair Survey is completed in May and the Service has established federal regulation "frameworks" for the 2007/08 waterfowl hunting season and considered proposals from the Pacific Flyway Council. The Service will establish the frameworks in early August after the analysis of current waterfowl population survey, other data, and input from the Flyway Councils and the public.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 202 and 355, Fish and Game Code.

Reference: Sections 202, 355, and 356, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

2007 Draft Environmental Document Migratory Game Bird Hunting

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed

amendment.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:
No other alternatives were identified.

(b) No Change Alternative:

1. The No Change Alternative would keep the existing name of Humboldt Bay (South) Special Management Area.
2. The No Change Alternative would keep the goose daily bag limit of 4 in the Northeastern, Southern San Joaquin Valley and Balance of State zones. Continuing with the current goose daily bag limit in the Northeastern, Southern San Joaquin Valley and Balance of State zones does not allow for maximum hunting opportunity.
3. The No Change Alternative would keep the Small Canada goose daily bag limit of 4 in the San Joaquin Valley and Balance of State zones. Continuing with the current Small Canada goose daily bag limit in the San Joaquin Valley and Balance of State zones does not allow for maximum hunting opportunity and continues to allow unchecked population growth of Aleutians. This would lead to greater depredation complaints on the northwest coast of California in the spring.
4. The No Change Alternative would keep the existing season lengths and dates and duck daily bag limits in all zones. The California Breeding Pair Survey has not been completed and analyzed and the federal frameworks have not been set. Changes in the existing regulations could result if specific dates and bag limits are proposed before the above items are completed.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. 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. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

(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.

Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the four proposals contained herein, the U.S. Fish and Wildlife Service, after analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed regulations in California. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Items 2 and 3 require changes in the federal regulations and must be approved by the Pacific Flyway Council at their meeting on July 27, 2007. The Service will consider this and other recommendations at their meeting on August 1-2, 2007. Item 4 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation "frameworks" which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

1. Change the name of Humboldt Bay (South) Special Management Area to Humboldt Bay South Spit Special Management Area.
2. Increase the goose daily bag limit in the Northeastern, Southern San Joaquin Valley and Balance of State zones to 6 geese per day.
3. Increase the Small Canada goose daily bag limit in the Southern San Joaquin Valley and Balance of State zones to 6 geese per day.
4. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone	Ducks	Between 38 & 105 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 105 days	
	Canvasback	Between 0 & 105 days	
	Scaup	Between 0 and 105 days	
Southern San Joaquin Valley Zone	Geese	86-100 days	4-6/ day, up to 4 white geese, up to 4 white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
Scaup	Between 0 & 100 days		
Colorado River Zone	Geese	86-100 days	4-6/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4-6 Small Canada geese. Possession limit double the daily bag.
	Ducks	Between 38 & 101 days	4-7/day, no more than 3-7 mallards, no more than 2 hen mallards or Mexican-like ducks, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 101 days	
	Canvasback	Between 0 & 101 days	
Scaup	Between 0 & 101 days		
Southern California Zone	Geese	101 days	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
Scaup	Between 0 & 100 days		
Balance of State Zone	Geese	86-100 days	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
Scaup	Between 0 & 100 days		
Balance of State Zone	Geese	86-100 days	4-6/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4-6 Small Canada geese. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
Scaup	Between 0 & 100 days		
SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Between 0 & 107 days, except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	4-6/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Between 0 & 30 days, must end by Dec 15	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	Between 0 & 30 days, must end by Dec 15	2/day. Possession limit double the daily bag.
YOUTH HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 6
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone		Ducks only	