

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: April 9, 2008

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 9, 2008
Location: Monterey, CA

 - (b) Discussion Hearing: Date: June 27, 2008
Location: Sacramento, CA

 - (c) Adoption Hearing: Date: August 8, 2008
Location: Carpinteria, 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 three 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 1, 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 2008.

The four proposed changes are:

1. **OPTION 1:** Increase the goose daily bag limit to 8 geese per day in the Northeastern, Southern San Joaquin Valley, Southern California, and Balance of State zones.

The existing regulations allow a goose daily bag limit of 6 per day in all zones except in the Southern California Zone where the daily bag is 5 per day. The proposed change would increase the daily bag limit to 8 geese per day. The proposed change would not increase the species-specific bag limits but only the total bag for the day. This would be expected to increase the harvest of white-fronted and white geese. The white-fronted goose population is currently about 600,000 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 about 750,000 birds and are above population goals. The increase in the goose daily bag limit is intended to increase the harvest of geese and allow additional hunting opportunity.

-OR-

OPTION 2: Increase the white goose daily bag limit to 6 per day in the Northeastern, Southern San Joaquin Valley, Southern California, and Balance of State zones which results in an increase in the overall goose daily bag limit in the Southern California Zone (all other zones already have a total bag limit of 6 geese per day).

The existing regulation allows a white goose daily bag limit of 4 white geese per day in the above zones. The proposed change would increase the white goose daily bag limit to 6 geese per day. Ross' geese and lesser snow geese

populations (considered as white geese in the regulations) in the Pacific Flyway are about 750,000 birds, and above populations goals. The increase in the white goose daily bag limit is intended to increase the harvest of white geese and allow additional hunting opportunity.

2. Increase the brant daily bag limit to 4 per day in the Northern Brant and Balance of State Brant special management areas.

The existing regulation allows a brant daily bag limit of 2. The proposed change would increase the bag limit to 4 per day. The Flyway Management Plan recommends liberalizing harvest regulations when the 3-year running average is at or above 135,000 birds. The current 3-year running average is 138,390 but this average does not include the Humboldt Bay numbers, because that area was not surveyed in 2008.

3. Reinstate the Imperial County Special Management Area and provide for white goose hunting on private lands only during a late season.

Existing regulations do not provide for the Imperial County Special Management Area. The proposed change would reinstate the area and allow the hunting of white geese from November 1 through January 25 and from the second Saturday in February extending for 16 days (Late Season). During the late season, hunting would be permitted on private lands only. White geese are now feeding primarily on privately-owned agricultural fields in Imperial County during the spring. Private landowners are concerned that white geese are reducing the crop available for harvest. Ross' geese and lesser snow geese populations (considered as white geese in the regulations) in the Pacific Flyway are above population goals. The proposed change is intended to reduce depredation on private lands through hunting.

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, Southern California, 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 2008/09 waterfowl hunting season and considers proposals from the Pacific Flyway Council. The Service will establish the

frameworks in late July 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:

2008 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. **OPTION 1:** The No Change Alternative would keep the existing goose bag limits in the Northeastern, Southern San Joaquin Valley, Southern California and Balance of State zones. Continuing with the current goose daily bag limits in the above mentioned zones does not allow for maximum hunting opportunity.

-OR-

1. **OPTION 2:** The No Change Alternative would keep the existing white goose daily bag limits in the Northeastern, Southern San Joaquin Valley, Southern California and Balance of State zones. Continuing with the current white goose daily bag limits in the above mentioned zones does not allow for maximum hunting opportunity.

2. The No Change Alternative would keep the existing brant daily bag limit of 2 in the Northern Brant and Balance of State Brant Special

Management Areas. Continuing with the current brant daily bag limits the special management areas does not allow for maximum hunting opportunity.

3. The No Change Alternative would not reinstate the Imperial County Special Management Area and not provide for white goose hunting on private lands only during a late season. Not reinstating the Imperial County Management Area would lead to greater depredation complaints in the Imperial County in the spring.
4. The No Change Alternative would keep the existing season lengths and dates, and duck and goose 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.

Updated 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 that 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 1, 2 and 3 require changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 25, 2008. Item 4 (including the table below) proposes a range of season dates and bag limits for waterfowl. The Service will consider these other recommendations at their meeting on July 30-31, 2008. 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. OPTION 1: Increase the goose daily bag limit to 8 geese per day in the Northeastern, Southern San Joaquin Valley, Southern California, and Balance of State zones.

-OR-

OPTION 2: Increase the white goose daily bag limit to 6 per day in the Northeastern, Southern San Joaquin Valley, Southern California, and Balance of State zones which results in an increase in the overall goose daily bag limit in the Southern California Zone (all other zones already have a total bag limit of 6 geese per day).

2. Increase the brant daily bag limit to 4 per day in the Northern Brant and Balance of State Brant special management areas.
3. Reinstate the Imperial County Special Management Area, and provide for white goose hunting on private lands only during a late season.
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, Southern California, 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.

