

increasing to a 6 per day bag limit for white-fronted geese would likely put harvest above the allowable amount and require more restrictive regulations in 2010-2011; 2) including Dark geese terminology in the Northeastern Zone as well as Southern San Joaquin Valley and Balance of State zones would allow a simple regulation of 6 dark geese per day, however, species-specific limits remain in effect. Current regulations (Section 502 (a)(1)) provide a definition of dark geese that includes white-fronted geese, Canada geese and both forms of Small Canada geese; 3) the word West would be eliminated to conform to the Federal Frameworks.

At its August 6, 2009 meeting, the Commission adopted the following season lengths, dates, and daily bag limits:

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone	Ducks	Oct 10 – Jan 22	7/day, no more than 7 mallards, no more than 2 hen mallards, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Oct 10 – Jan 3	
	Geese	Oct 10 – Jan 17	8/ day, up to 6 white geese, up to 6 dark geese which may include 4 white-fronts, 2 Large Canada geese, 1 Small Canada goose. Possession limit double the daily bag.
Southern San Joaquin Valley Zone	Ducks	Oct 10 – Nov 1 & Nov 14 – Jan 31	7/day, no more than 7 mallards, no more than 2 hen mallards, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Nov 14 – Jan 31	
	Geese	Oct 24 – Jan 31	8/ day, up to 6 white geese, up to 6 dark geese which may include 4 white-fronted geese. Possession limit double the daily bag.
Colorado River Zone	Ducks	Oct 23 – Jan 31	7/day, no more than 7 mallards, no more than 2 hen mallards or Mexican-like ducks, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Nov 7 – Jan 31	
	Geese	Oct 23 – Jan 31	6/ day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
Southern California Zone	Ducks	Oct 24 – Jan 31	7/day, no more than 7 mallards, no more than 2 hen mallards, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Nov 7 – Jan 31	
	Geese	Oct 24 – Jan 31	8/day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
Balance of State Zone	Ducks	Oct 24 – Jan 31	7/day, no more than 7 mallards, no more than 2 hen mallards, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Nov 7 – Jan 31	
	Geese	Oct 24 – Jan 31	8/ day, up to 6 white geese, up to 6 dark geese which may include 4 white-fronted geese. Possession limit double the daily bag.
SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Nov 7 – Jan 31 & Feb 20 – Mar 10, except for Large Canada geese which is closed during the late season.	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	White-fronted geese	Open concurrently with general goose season through Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Nov 7 – Dec 6	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	Nov 14 – Dec 13	2/day. Possession limit double the daily bag.
Imperial County	White Geese	Nov 7 – Jan 31 & Feb 13 – 28	6/day. Possession limit double the daily bag.
YOUTH WATERFOWL 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 extending for 2 days.	
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	Oct 10 – Jan 22	3/ day, possession limit 6
Balance of State Zone		Oct 24 – Feb 7	
Southern San Joaquin Valley Zone		Oct 10 – Nov 1 & Nov 14 – Feb 3	
Southern California Zone		Oct 24 – Feb 7	
Colorado River Zone		Ducks only	

VI. Summary of Public Recommendations and Primary Considerations Raised in Opposition and in Support received:

- (a) Description of Proposed Action by Public: Recommends a late straight season in the Southern San Joaquin Valley Zone.

Proposal Source: Ron Hulbert (letter received 4/13/09)
Harley Barling (letter received 4/17/09)
C.Z. Hope (letter received 4/17/09)
Name illegible (letter received 4/20/09)
Robert Johnston (letter received 4/21/09)
Double L Duck Club (letter received 4/21/09)

Response: The Commission adopted an early opener with a split season in the Southern San Joaquin Valley Zone. The Department understands that the majority of land owners in the Southern San Joaquin Valley Zone prefer a split season that opens earlier. An earlier opening date with a split season provides more habitat for early migrating waterfowl.

- (b) Description of Proposed Action by Public: Recommends an early opener and/or with a split season in the Southern San Joaquin Valley Zone.

Proposal Source: Kenneth Barton (email 5/16/09)
Larry Lawrence (email 5/16/09)
Pat Marchbanks (email 5/26/09 and letter received 6/01/09)

Response: This season length fits within the Federal frameworks and is the Department's recommendation. The Commission adopted this recommendation.

- (c) Description of Proposed Action by Public: Recommends the Southern San Joaquin Valley Zone to be a split season from October 10 through October 31 and November 14 through January 31.

Proposal Source: Arthur Spaulding, Wasco, Tulare Basin Wetlands Association (letter received 06/16/09 and public testimony 06/25/09).

Response: The Department recommended the first part of the split season to close on Sunday, November 1 rather than October 31 which is a Saturday. This provides for an additional day of hunting as compared to the public recommendation and is within the Federal Frameworks. The Commission adopted the Department's recommendation.

- (d) Description of Proposed Action by Public: No specific comments on the Department's waterfowl hunting regulation recommendations were made.

Proposal Source: Walt Mansell (public testimony 06/25/09)

Bill Gaines, COHA (public testimony 06/25/09)
Jim Waters, California Waterfowl Association (public testimony 8/6/09)

Response: Comments noted.

- (e) Description of Proposed Action by Public: In support of Department's recommendation.

Proposal Source: Greg Yarris, CWA (public testimony 08/06/09)
Bill Gaines, COHA (public testimony 08/06/09)

Response: Support noted.

- (f) Description of Proposed Action by Public: Recommended that the Department adopt alternative 3 in the Migratory Game Bird Hunting Environmental Document.

Proposal Source: Virginia Hadley (public testimony 08/06/09)

Response: This comment does not pertain to the proposed regulatory action. It pertains to the Environmental Document. The comment period for the Environmental Document closed July 16, 2009.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, CA 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulatory Action:
No other alternatives were identified.

- (b) No Change Alternative:

1. The No Change Alternative would keep the existing white-fronted goose daily bag limit of 4 geese per day in the Northeastern, Southern San Joaquin Valley, and Balance of State zones. Continuing with the current goose daily bag limits in the above-mentioned zones does not provide for maximum hunting

opportunity consistent with the status of white-fronted geese or simplified regulations.

2. The No Change Alternative would keep the existing Large Canada goose daily bag limit of 4 in the Southern San Joaquin Valley and Balance of State zones. Continuing with the current goose daily bag limits in the above-mentioned zones does not provide for hunting opportunity consistent with the status of Large Canada geese or simplified regulations.
3. The No Change Alternative would keep the existing name of the Youth Hunting Days. Continuing with the current name does not comply with federal frameworks.
4. The No Change Alternative would keep the existing opening dates for the Sacramento Valley (West) Special Management Area. Continuing with the current opening dates would maintain unnecessary restrictions and regulatory complexity.
5. 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.

X. 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 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, Government Code: 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 five proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may change federal regulations; if this occurs changes in existing and proposed regulations in California may be necessary. 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. Item 4 requires changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 24, 2009 and by the Service. Item 5 (including the table below) provides a proposed range of season dates and bag limits for waterfowl. The Service will consider recommendations from the Flyway Council at their meeting on July 30, 2009. 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. Increase the white-fronted goose daily bag limit to 6 geese per day in the Northeastern, Southern San Joaquin Valley, and Balance of State zones. Also, the white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Southern San Joaquin Valley and Balance of State zones.
2. Increase the Large Canada goose daily bag limit to 6 per day in the Southern San Joaquin Valley and Balance of State zones. Also, the white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Southern San Joaquin Valley, Balance of State, and Northeastern zones. Individual species-specific limits will remain in effect.
3. Change the name of the Youth Hunting Days section to Youth Waterfowl Hunting Days.
4. Modify the opening date of the Sacramento Valley (West) Special Management Area to open concurrently with the general goose season in the Balance of State Zone. This proposal requires approval by the Pacific Flyway Council and the U.S. Fish and Wildlife Service. The word West in the Sacramento Valley Special Management Area (West) title would be eliminated to conform to the Federal Frameworks.
5. 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. 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.

The following table has been amended from the version in the Initial Statement of Reasons to reflect the Department's regulation recommendations consistent with the Federal frameworks as established July 30, 2009. Federal frameworks allow general duck seasons to be as long as 107 days in the Pacific Flyway with a 7-bird daily duck bag limit (including mallards); that the pintail season could be as long as the general duck season with a 2-bird bag limit; that the canvasback season could be as long as the general duck season with a 1-bird bag limit; that the scaup season could be 86 days with a 3-bird daily bag limit and that other proposals from California (see above) were accepted.

Three changes from the Initial Statement are incorporated herein relative to season length and bag limits:

- 1) The originally proposed change in the recommended bag limit for white-fronted geese from 4/day to 6/day was removed because increasing the daily bag limit to 6 would likely exceed allowable harvest as stipulated by the harvest strategy. The 2008-09 harvest of white-fronted geese for the Pacific Flyway was estimated at 143,647 including a California harvest of 110,500. The harvest strategy allows 147,375 and increasing to a 6 per day bag limit for white-fronted geese would likely put harvest above the allowable amount and require more restrictive regulations in 2010-2011.
- 2) The white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Northeastern Zone as well as the Southern San Joaquin Valley and Balance of State zones as originally proposed. Individual species-specific limits will remain in effect.
- 3) The word West in the Sacramento Valley Special Management Area (West) title would be eliminated to conform to the Federal Frameworks.

The opening date of the Colorado River Zone goose season was changed from the originally proposed October 16 to October 23 and the opening date for Regular Season in the North Coast Special Management Area was changed from the originally proposed last Saturday in October to the first Saturday in November in order to maintain the traditional closing date of the last Sunday in January. The season length does not exceed the originally proposed season length.

The Commission adopted minor editorial changes to clarify the regulations and the following specific regulations at the August 6, 2009 meeting.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone	Ducks	Oct 10 – Jan 22	7/day, no more than 7 mallards, no more than 2 hen mallards, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Oct 10 – Jan 3	
	Geese	Oct 10 – Jan 17	8/ day, up to 6 white geese, up to 6 dark geese which may include 4 white-fronts, 2 Large Canada geese, 1 Small Canada goose. Possession limit double the daily bag.
Southern San Joaquin Valley Zone	Ducks	Oct 10 – Nov 1 & Nov 14 – Jan 31	7/day, no more than 7 mallards, no more than 2 hen mallards, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Nov 14 – Jan 31	
	Geese	Oct 24 – Jan 31	8/ day, up to 6 white geese, up to 6 dark geese which may include 4 white-fronted geese. Possession limit double the daily bag.
Colorado River Zone	Ducks	Oct 23 – Jan 31	7/day, no more than 7 mallards, no more than 2 hen mallards or Mexican-like ducks, 2 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Scaup	Nov 7 – Jan 31	
	Geese	Oct 23 – Jan 31	6/ day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
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	Scaup	Nov 7 – Jan 31	
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SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Nov 7 – Jan 31 & Feb 20 – Mar 10, except for Large Canada geese which is closed during the late season.	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	White-fronted geese	Open concurrently with general goose season through Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
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Imperial County	White Geese	Nov 7 – Jan 31 & Feb 13 – 28	6/day. Possession limit double the daily bag.
YOUTH WATERFOWL 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 extending for 2 days.	
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	Oct 10 – Jan 22	3/ day, possession limit 6
Balance of State Zone		Oct 24 – Feb 7	
Southern San Joaquin Valley Zone		Oct 10 – Nov 1 & Nov 14 – Feb 3	
Southern California Zone		Oct 24 – Feb 7	
Colorado River Zone		Ducks only	

