

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 7, 2010

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 5, 2010
Location: Stockton, CA

 - (b) Discussion Hearing: Date: June 24, 2010
Location: Folsom, CA

 - (c) Adoption Hearing: Date: August 5, 2010
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 late July 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 at a public meeting; however the publication of these

decisions in the Federal Register does not occur until September. 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 1 and 2 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 2010 when current biological information becomes available.

The four proposed changes are:

1. Increase the season length to 105 days for Large Canada geese in the Balance of State Zone and split the season into two segments.

The existing regulations allow the season length for dark geese to be 100 days. The proposed change would increase the season length to 105 days for Large Canada geese in the Balance of State Zone (excluding the North Coast Special Management Area) and split the season into two parts. This is expected to increase the harvest of Large Canada geese. The nesting range of Large Canada geese has expanded to include urban and suburban areas in the Central Valley. Complaints from private property owners regarding the effects of resident Canada geese occur regularly. In 2008, the Fish and Game Commission adopted changes to Section 503 which allow the destruction of nests and eggs. The increase in the Large Canada goose season length is intended to increase harvest, allow additional hunting opportunity and potentially reduce nuisance Canada goose complaints.

2. Increase the Small Canada goose daily bag limit to 2-6 per day in the Northeastern Zone.

The existing regulation allows a Small Canada goose daily bag limit of 1. The proposed change would increase the bag limit to 2-6 per day in the Northeastern Zone. An increase to 2-6 per day is contingent upon the Small Canada goose bag limit in Oregon. If Oregon moves forward with an increase in their Small Canada goose bag limit then the California limits should match the adjacent Oregon zone bag limit. This is expected to increase the harvest of Small Canada geese. The proposed range is necessary as the status of Oregon's recommendation is uncertain at this time. Flyway Council and Service approval is needed for these proposed changes.

3. Open the Northern Brant and Balance of State Brant Special Management Areas on November 7.

The existing regulation opens the brant season in the above Special Management Areas the first and second Saturday in November, respectively. The proposal would create a fixed opening date for the brant season in both areas but keep the season length at 30 days. The fixed opening date of November 7 would simplify regulations and potentially allow more hunting opportunity.

4. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See tables 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 Waterfowl Breeding Population Survey is completed in May and the Service has established federal regulation "frameworks" for the 2010/11 waterfowl hunting season. 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:
2010 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 amendments.

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 not increase the Large Canada goose season to 105 days (split) in the Balance of State Zone. Not increasing the season length and splitting into two segments for Large Canada geese does not provide for maximum hunting opportunity consistent with the status of Large Canada geese and does not work towards alleviating the resident nuisance Canada goose depredation issues.
 2. The No Change Alternative would keep the existing Small Canada goose daily bag limit of 1 in the Northeastern Zone. Continuing with the current goose daily bag limit in the Northeastern Zone does not provide for hunting opportunity consistent with the status of Small Canada geese or simplified regulations.
 3. The No Change Alternative would keep the existing opening dates in the Northern Brant and Balance of State Brant Special Management Areas. Continuing with the current opening dates does not simplify the regulations or provide for hunting opportunity.
 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 as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

Please refer to the 2010 Draft Environmental Document Migratory Game Bird Hunting (Waterfowl, Coots, Moorhens).

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, Government Code: 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 (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. Items 1 and 2 require changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 23, 2010. Item 4 (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 29, 2010. At this time, the California Waterfowl Breeding Population 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 are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

1. Increase the season length to 105 days for Large Canada geese in the Balance of State Zone, excluding the North Coast Special Management Area, and split the season into two segments.
2. Increase the Small Canada goose daily bag limit to 2-6 per day in the Northeastern Zone.
3. Open the Northern Brant and Balance of State Brant Special Management Areas on November 7.
4. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See table below for season and bag limit ranges.

Summary of Proposed Waterfowl Hunting Regulations

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards but no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/ day, which may include: 6 white geese, 6 dark geese no more than 4 white-fronts, 2 Large Canada geese, 1-6 Small Canada goose. Possession limit double the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/ day, which may include: 6 white geese, 6 dark geese no more than 4 white-fronted geese. Possession limit double the daily bag.
Colorado River Zone	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	Between 101-105 days	6/ day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Canada Geese.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days (Large Canada geese 100-105 days)	8/ day, which may include: 6 white geese, 6 dark geese no more than 4 white-fronted geese. Possession limit double the daily bag.

Summary of Proposed Waterfowl Hunting Regulations, Continued

SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	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	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.
Imperial County <i>Season may be split</i>	White Geese	102 days	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	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	