



activated by anything other than natural wind, to directly or indirectly cause rotation of decoy wings or blades that simulate wings.

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

Authority: Sections 355 and 356, Fish and Game Code.

Reference: Sections 355, 356 and 3005 Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

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

None.

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

None.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No other alternatives were identified.

- (b) No Change Alternative:

The no change alternative was considered and rejected because the regulation wording needs to be clarified to help solve the confusion from the hunters and Enforcement personnel.

- (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 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. This proposal is a clarification in language only and does not prohibit any current legal devices.

- (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

Subsection 507 (c) of Title 14, CCR, prohibits the use of electronic or “mechanically operated spinning blade devices... or spinning wing decoys when attempting to take waterfowl between the start of the season and November 30th.” The terms “mechanical” and “spinning blade devices” have caused confusion for hunters, as well as enforcement, as new decoys have been developed. “Mechanical” can include man-powered devices e.g. pull chords, spinning reels etc. “Spinning blades” include propellers below the surface of the water that are common among waterfowl decoys, but clearly not the target of the prohibition. Even the term “Spinning” is not clear as some decoys have wings that do not spin completely around an axis but pivot back and forth. The wording of the subsection dealing with spinning wing devices needs to be simplified so both enforcement personnel and the public understand the gear restriction.

The Department is proposing that the Commission clarify that the prohibited devices are devices that are either electronically-powered, or activated by anything other than natural wind, to directly or indirectly cause rotation of decoy wings or blades that simulate wings.