

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 5, 2011

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: May 5, 2011
Location: Ontario, CA

(b) Discussion Hearing: Date: June 30, 2011
Location: Stockton, CA

(c) Adoption Hearing: Date: August 4, 2011
Location: Sacramento, 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 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. Five changes are currently proposed for Section 502. Items 1, 2 and 4 require Flyway Council and Service approval pursuant to the process described above. Item 5 is proposed to provide notice that other framework regulations may change in 2011 when current biological information becomes available.

The five proposed changes are:

1. Remove the restriction on the Small Canada goose daily bag limit in the Northeastern Zone.

The existing regulation allows a Small Canada goose daily bag limit of 1. The proposed change would remove the restriction on Small Canada geese and allow a simple regulation of 6 Dark Geese per day. 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. This is expected to increase the harvest of Aleutian and Cackling geese. Cackling geese primarily winter in Oregon in the Willamette Valley and tend to feed on stubble fields and grass farms. Crop depredation has increased significantly over the years and there is insufficient goose habitat on public lands to support an increasing population. Also, removal of the restrictive bag limit eliminates an unnecessary regulation. The Aleutian Canada goose population has grown from about 800 birds in 1976 to approximately 126,366 in 2010. The current population exceeds the population goal of 60,000 called for in the Flyway Management Plan. 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. Flyway Council and Service approval is needed for this proposed change.

2. Increase the white-fronted and white goose season length to 105 days in the Balance of State Zones and split the season into two segments.

The existing regulations allow a season length for white-fronted and light geese of 100 days. The proposed change would increase the season length to 105 days for 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 white-fronted and white geese. The white-fronted goose population is currently about 700,000 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 white-fronted and white goose season length is intended to increase harvest, allow additional hunting opportunity and potentially reduce goose crop depredation complaints.

3. 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.

The existing regulations allow a white-fronted goose daily bag limit of 4 per day in the above-mentioned zones. The proposed change would increase the daily bag limit to 6 geese per day and allow a simple regulation of 6 Dark Geese per day. 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. This is expected to increase the harvest of white-fronted geese. The white-fronted goose population is currently about 700,000 birds and above the population goal of 300,000 birds established in the Flyway Management Plan. The current harvest strategy allows harvest up to 15% of the most recent 3-year average population index. The current 3-year average is 604,540 and the increase in bag limit will not likely exceed the allowable limit of 90,681. The increase in the white-fronted goose daily bag limit is intended to increase the harvest of white-fronted geese by allowing additional hunting opportunity and to simplify regulations.

4. Extend the white-fronted goose season length in the Sacramento Valley Special Management area by 7 days.

The current regulation allows the Special Management Area to open concurrently with the general goose season through December 14. The proposed regulation change would allow white-fronted goose hunting through December 21. This is expected to increase the harvest of Pacific white-fronted geese while still protecting the less numerous subspecies, tule white-fronted geese. The tule white-fronted goose population indicates a stable and possibly increasing trend.

The 2009 population estimate was 20,146, up from the 2008 estimate of 13,841. The Pacific population is currently about 700,000 birds and above the population goal of 300,000 birds established in the Flyway Management Plan. Flyway Council and Service approval is needed for this proposed change.

5. 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 2011/12 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:

2011 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 maintain the Small Canada goose restrictive bag limit of 1 in the Northeastern Zone. Not removing the bag restriction for Small Canada geese does not provide maximum hunting opportunity consistent with the status of Aleutian and Cackling Canada geese or simplify regulations.
 2. The No Change Alternative would maintain the existing white-fronted and white goose season length in the Balance of State Zone. The current white-fronted and white goose season length in the Balance of State Zone does not provide for hunting opportunity consistent with the status of geese or simplified regulations.
 3. The No Change Alternative would maintain the existing bag limit for white-fronted geese in the Northeastern, Southern San Joaquin Valley and Balance of State zones. The current bag limit does not simplify the regulations or provide for hunting opportunity consistent with the status of white-fronted geese.
 4. The No Change Alternative would maintain the existing closure date in the Sacramento Valley Special Management Area for white-fronted geese. The current closure date does not provide for additional hunting opportunity.
 5. The No Change Alternative would maintain 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 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 2011 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 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. Items 1, 2, and 4 require changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 21, 2011. Item 5 (including the table below) provide 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 28, 2011. 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. Remove the restriction on the Small Canada goose daily bag limit in the Northeastern Zone.
2. Increase the white-fronted and white goose season length to 105 days in the Balance of State Zone and split the season into two segments.
3. 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.
4. Extend the white-fronted goose season length in the Sacramento Valley Special Management area by 7 days.
5. 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 4-6 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 4-6 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 Dark and White 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	100-105 days (Large Canada geese 105 days)	8/ day, which may include: 6 white geese, 6 dark geese no more than 4-6 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 14-21	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	From Nov 7 for 30 days	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	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	Between 38 and 107 days	