

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

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 15, 2013
- II. Date of Pre-adoption Statement of Reasons: August 4, 2013
- III. Date of Final Statement of Reasons: August 16, 2013
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 22, 2013
Location: Los Angeles, CA
 - (b) Discussion Hearing Date: June 26, 2013
Location: Sacramento, CA
 - (c) Adoption Hearing: Date: August 7, 2013
Location: San Luis Obispo, CA
- V. Update: The originally proposed language was modified to identify specific season lengths and daily bag limits. There are two additional changes: 1) the white goose season length for the regular season in the Northeastern Zone is recommended to be 73 days rather than the 72 days that was proposed; and 2) the white goose season length for the late season in the Northeastern Zone is recommended to be 32 days rather than the 31 days that was proposed.

The originally proposed regulatory language contained a range of season lengths and daily bag limits which were contingent upon the establishment of Federal framework regulations. These frameworks were established by the U.S. Fish and Wildlife Service in late July and now specify the maximum season lengths and daily bag limits. The additional changes were made to the regular and late white goose season lengths in the Northeastern Zone because a discrepancy was made in the regulatory language and did not conform to the Informative Digest.

At the August 7, 2013 meeting, the Commission adopted the following season lengths, dates, and daily bag limits:

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	Ducks	Oct 5 – Jan 17	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Oct 5 – Dec 29	
	Geese	Regular Season Dark geese: Oct 5 – Jan 12 White geese: Nov 1 – Jan 12 Late Season White geese: Feb 7 – Mar 10 Whitefronts: Mar 6 – Mar 10	10/day, which may include: 10 white geese, 6 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone	Ducks	Oct 5 – Oct 20 & Nov 2 – Jan 26	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Oct 19 – Jan 26	10/day, which may include: 10 white geese, 6 dark geese. Possession limit triple the daily bag.
Southern California Zone	Ducks	Oct 19 – Jan 26	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Oct 19 – Jan 26	10/ day, which may include: 10 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone	Ducks	Oct 18 – Jan 26	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Oct 18 – Jan 26	10/day, up to 10 white geese, up to 3 dark geese. Possession limit triple the daily bag.
Balance of State Zone	Ducks	Oct 19 – Jan 26	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Early Season:(Large CAGO only): Sept 28 – Oct 2 Regular Season: Oct 19 – Jan 26 Late Season: (Whitefronts and white geese): Feb 15 – Feb 19	10/ day, which may include: 10 white geese, 6 dark geese. Possession limit triple the daily bag.

Summary of Proposed Waterfowl Hunting Regulations, Continued

SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Regular Season: Oct 31 – Jan 26 Late Season: Feb 22 – Mar 10	6/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple 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 triple the daily bag.
Balance of State Brant	Black Brant	Nov 9 – Dec 8	2/day. Possession limit triple the daily bag.
Imperial County	White Geese	Regular Season: Nov 2 – Jan 26 Late Season: Feb 8 – Feb 23	10/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Sept 21 – 22	Same as regular season
Southern San Joaquin Valley Zone		Feb 1 – 2	
Southern California Zone		Feb 1 – 2	
Colorado River Zone		Feb 1 – 2	
Balance of State Zone		Feb 1 – 2	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Oct 5 – Jan 17	3/ day, possession limit 9
Balance of State Zone		Oct 19 – Jan 26 & Feb 1 – 2	
Southern San Joaquin Valley Zone		Oct 5 – Oct 20 & Nov 2 – Jan 29	
Southern California Zone		Oct 19 – Jan 31	
Colorado River Zone	Ducks only	Oct 18 – Jan 30	

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

- (a) Description of Proposed Action by Public: Supports the Department's waterfowl hunting regulation recommendations, specifically the changes to goose regulations in the Northeastern Zone.

Proposal Source. Donald Armentrout, Chairman of the Lassen County Fish and Game Commission (email 07/31/2013)

Recommendation. N/A.

Analysis. Support noted.

- (b) Description of Proposed Action by Public: Recommends the FGC to split the season for scaup in the Northeastern Zone so the first half of the season would open currently with general duck opener. The second half of the season would open again in December through the end of the general duck season.

Proposal Source. Gene Bach, (email 7/31/2013)

Recommendation. The Department recommended the scaup season to open with the general duck opener in the Northeastern Zone and extend for 86 days. Most hunting opportunity for scaup and ringneck ducks is early rather than later based on duck survey data in this zone. Also, much of the habitat in this zone tends to freeze as the season progresses. There are some larger bodies of waters that do not freeze and may provide hunting opportunity later in the season but season timing needs to reflect conditions in the majority of the zone. The Commission adopted the Department's recommendation.

- (c) Description of Proposed Action by Public: Supports the Department's recommendation with the exception of the scaup season timing in the Northeastern Zone and the late season goose hunt language for the North Coast and Imperial County Special Management areas.

Proposal Source. Marc Hennely, California Waterfowl Association (Commission testimony 08/07/2013).

Recommendation. Accept in part.

Analysis. See above analysis for scaup season timing. Regulatory language for the special management areas was requested to be modified from the Department's Law Enforcement Division. The recommended changes simplify the regulation and make it easier to enforce. The Commission adopted the Department's recommendation.

- (d) Description of Proposed Action by Public: Representing Black Brant

Group from Morro Bay and commented on long history of the group protecting habitat and hunting in Morro Bay.

Proposal Source. Bill Gaines (Commission testimony 08/07/2013).

Recommendation. Support Noted.

Analysis. N/A.

- (e) Description of Proposed Action by Public: Presented eel grass transplant work in Morro Bay.

Proposal Source. Fred Harpster (Commission testimony 08/07/2013).

Recommendation. N/A.

Analysis. N/A.

- (f) Description of Proposed Action by Public: Recommends the FGC open the general duck season later in the Southern California Zone and close later.

Proposal Source. Larry Strassbaugh (Commission testimony 08/07/2013).

Recommendation. Reject.

Analysis. The recommendation does not fit within the Federal Frameworks. The Federal Frameworks allow the general waterfowl season to close no later than the last Sunday in January. The Commission adopted the Department's recommendation.

- (g) Description of Proposed Action by Public: Supports the Department's recommendation to add a late season hunt for geese in the Northeastern Zone.

Proposal Source. Noelle Cremers, California Farm Bureau Federation (Commission testimony 08/07/2013).

Recommendation. N/A.

Analysis. Support Noted

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Wildlife
Wildlife Branch
1812 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 maintain the existing definition for White geese.
2. The No Change Alternative would maintain the existing possession limits for brant, ducks, and geese in all zones.
3. The No Change Alternative would maintain the existing White goose daily bag limits of 6 and the total goose daily bag limit of 8.
4. The No Change Alternative would maintain the existing season length for White geese in the Northeastern Zone.
5. The No Change Alternative would maintain the existing season length for White-fronted geese in the Northeastern Zone.
6. The No Change Alternative would maintain the current language in the Balance of State Zone Late Season goose hunt stating that "...hunting is not permitted on wildlife areas listed in Sections 550-552 EXCEPT Type C wildlife areas in the North Central Region." Public comments have recommended adding the Central Region to the Type C wildlife areas that may allow hunting during this Late Season hunt.
7. The No Change Alternative would maintain the current language in the North Coast and Imperial Special Management areas stating that "During the Late Season, hunting is not permitted on wildlife areas listed in Sections 550-552". The current language has caused uncertainty with the hunting public as well as enforcement concerns by the Department's LE Division.
8. The No Change Alternative would maintain the existing bag limits for white-fronted geese in the Sacramento Valley Special Management Area.

9. 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, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.
- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2013-14 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2013-14. This is based on a 2011 US Fish and Wildlife

national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase waterfowl, subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

(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.

(c) Programs Mandated on Local Agencies or School Districts: None.

(d) 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.

(e) 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 nine 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 2, 3, 5, and 8 require changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 26, 2013. Item 9 (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 31 and August 1, 2013. 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 benefits of the proposed regulations are concurrence with Federal law, sustainable management of the waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2013-2014.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

The Department’s proposals are as follows:

1. Modify the definition of White geese to include the blue phase of both Ross’ and snow geese.
2. Increase the possession limit to triple the daily bag limit for brant, ducks, and geese in all zones.
3. Increase the white goose bag limit in all zones from 6 geese per day to 10 geese per day. This change will also result in an increase in the total bag limit from 8 per day to a total of 10 geese per day.
4. Increase the white goose season length in the Northeastern Zone to 107 days, split

the season into two segments, and allow hunting for white geese after the last Sunday in January.

5. Increase the white-fronted goose season length in the Northeastern Zone to 107 days, split the season into two segments, and allow hunting for white-fronted geese after the last Sunday in January.
6. Amend the language in the Balance of State Zone Late Season goose hunt to “During the Late Season, hunting is not permitted on wildlife areas listed in Sections 550-552 EXCEPT Type C wildlife areas in the North Central and Central regions.”
7. Amend the language in the North Coast and Imperial County Special Management areas Late Season goose hunt to “During the Late Season, hunting is only permitted on private lands with the permission of the land owner **under provisions of Section 2016, Fish and Game Code.**”
8. Increase the daily bag limit of white-fronted geese in the Sacramento Valley Special Management Area to 3.
9. 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 and with Oregon in the North Coast Special Management Area.

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 31, 2013. The 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 7 mallards but only 2 female mallards); the pintail season could be as long as the general duck season with a 2-bird daily bag limit; the canvasback season could be as long as the general duck season with a 2-bird daily bag limit, and the scaup season could be 86 days with a 3-bird daily bag limit.

The Commission adopted minor editorial changes to clarify the regulations and the following specific regulations at the August 7, 2013, meeting.

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	Ducks	Oct 5 – Jan 17	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Oct 5 – Dec 29	
	Geese	Regular Season Dark geese: Oct 5 – Jan 12 White geese: Nov 1 – Jan 12 Late Season White geese: Feb 7 – Mar 10 Whitefronts: Mar 6 – Mar 10	10/day, which may include: 10 white geese, 6 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone	Ducks	Oct 5 – Oct 20 & Nov 2 – Jan 26	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Oct 19 – Jan 26	10/day, which may include: 10 white geese, 6 dark geese. Possession limit triple the daily bag.
Southern California Zone	Ducks	Oct 19 – Jan 26	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Oct 19 – Jan 26	10/ day, which may include: 10 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone	Ducks	Oct 18 – Jan 26	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Oct 18 – Jan 26	10/day, up to 10 white geese, up to 3 dark geese. Possession limit triple the daily bag.
Balance of State Zone	Ducks	Oct 19 – Jan 26	7/day, which may include: 7 mallards no more than 2 females, 2 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 2 – Jan 26	
	Geese	Early Season:(Large CAGO only): Sept 28 – Oct 2 Regular Season: Oct 19 – Jan 26 Late Season: (Whitefronts and white geese): Feb 15 – Feb 19	10/ day, which may include: 10 white geese, 6 dark geese. Possession limit triple the daily bag.

Summary of Proposed Waterfowl Hunting Regulations, Continued

SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Regular Season: Oct 31 – Jan 26 Late Season: Feb 22 – Mar 10	6/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple 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 triple the daily bag.
Balance of State Brant	Black Brant	Nov 9 – Dec 8	2/day. Possession limit triple the daily bag.
Imperial County	White Geese	Regular Season: Nov 2 – Jan 26 Late Season: Feb 8 – Feb 23	10/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Sept 21 – 22	Same as regular season
Southern San Joaquin Valley Zone		Feb 1 – 2	
Southern California Zone		Feb 1 – 2	
Colorado River Zone		Feb 1 – 2	
Balance of State Zone		Feb 1 – 2	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Oct 5 – Jan 17	3/ day, possession limit 9
Balance of State Zone		Oct 19 – Jan 26 & Feb 1 – 2	
Southern San Joaquin Valley Zone		Oct 5 – Oct 20 & Nov 2 – Jan 29	
Southern California Zone		Oct 19 – Jan 31	
Colorado River Zone		Ducks only	