

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

Amend Section(s) 507(c)  
Title 14, California Code of Regulations  
Re: Prohibition on Electronic or Mechanically-operated Devices

I. Date of Initial Statement of Reasons: June 17, 2003

II. Date of Pre-adoption Statement of Reasons: July 18, 2003

III. Date of Final Statement of Reasons: September 4, 2003

IV. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing:	Date:	June 20, 2003
	Location:	Mammoth Lakes, California

(b) Discussion Hearing	Date:	August 2, 2003
	Location:	Long Beach, California

(c) Adoption Hearing:	Date:	August 29, 2003
	Location:	Santa Rosa, California

V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

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

Responses to public comments received were included in the Pre-adoption Statement of Reasons (see attached). Also attached are public comments from July 8 through August 28, 2003.

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  
Sacramento, California 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:

1. Eliminate the existing regulation that allows the use of SWD after November 30. This alternative would remove all regulation of SWD in California.
2. Eliminate the use of electronic or mechanically operated spinning blade devices or spinning wing decoys throughout the waterfowl hunting season;
3. Prohibit the use of all self-powered devices for waterfowl hunting.

(b) No change Alternative:

The No Change Alternative would continue the regulation that prohibits the use of electronic or mechanically operated spinning blade devices or spinning wing decoys from the start of waterfowl season through November 30.

(c) Consideration of Alternatives:

1. The existing regulation complicates hunting regulations in California. To date, all analyses have indicated that SWD increase duck harvest, and this increased duck harvest corresponds to decreases in the breeding population of ducks in California. However, the effect of this increased duck harvest on duck population dynamics is uncertain, because other factors (duckling survival, post-hunting season survival) may be more important to changes in duck populations. Most analyses suggest that habitat conditions, particularly during the spring nesting season, are more important to changes in duck populations than human-caused mortality through hunting.

2. The existing regulation complicates hunting regulations in California. The relationship between direct recovery rates of banded mallards since 1997 suggests that SWD led to increased harvests of mallards from

California, and that these increases were eliminated when the existing regulation was adopted. A corresponding increase in the breeding population estimate suggests that harvest rates may have been reduced, leading to an increase in the population in subsequent years.

3. Continued technological advances in hunting techniques and equipment are considered by some hunters to be contrary to the traditional reasons for hunting. Many hunters gain satisfaction through improvements in traditional hunting skills, and some hunters have expressed concerns that debates over technological advances both shift the focus from more important conservation activities and potentially change the public perception of the hunting tradition. If so, these results could reduce the positive accomplishments provided through the support of wildlife conservation by hunting.

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 regulation(s) 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: None.
- (h) Effect on Housing Costs: None.

## Informative Digest/Policy Statement Overview

Current regulation prohibits the use of electronic or mechanically operated spinning blade devices or spinning wing decoys when attempting to take waterfowl from the start of waterfowl season through November 30. This regulation was adopted in 2001 as a means of further evaluating the possible effect of electronic or mechanically operated spinning blade devices or spinning wing decoys. Alternatives to the existing regulation include: 1) no change (continue the November 30 prohibition); 2) eliminate all regulation of electronic or mechanically operated spinning blade devices or spinning wing decoys; 3) eliminate the use of electronic or mechanically operated spinning blade devices or spinning wing decoys; and 4) prohibit the use of all self-powered devices for waterfowl hunting.

Existing analyses suggest that spinning blade devices or spinning wing decoys increase duck harvest, and this technological advance may have increased duck harvests to higher levels than would have occurred under normal conditions. The imposition of the mid-season (November 30) prohibition on the use of electronic or mechanically operated spinning blade devices or spinning wing decoys reduced direct recovery rates of mallards banded in California, and the 2003 estimated breeding population of mallards in California increased 27 percent. Overall duck harvests have been declining in California. In California, mallards comprise about 25% of the total duck harvest and the vast majority, especially early in the hunting season, of these mallards originate in California. However, this correlative analysis does not prove that the decline in the breeding population estimate was solely due to the increased use of electronic or mechanically operated spinning blade devices or spinning wing decoys because other factors (breeding success and over-winter survival) may have changed coincidentally.

**Minor editorial changes were made to clarify and simplify the regulations.**

**The Fish and Game Commission adopted the no change alternative.**