

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: May 18, 2006

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: June 23, 2006
Location: Mammoth Lakes

(b) Discussion Hearing: Date: August 4, 2006
Location: Sacramento

(c) Adoption Hearing: Date: August 25, 2006
Location: Santa Barbara

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 August 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 or early August at a public meeting however the publication of these decisions in the Federal Register does not occur until later in the month. California has made five 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 through 5 require Flyway Council and Service approval pursuant to the process described above. Item 6 is proposed to provide notice that other framework regulations may change in 2006.

The six proposed changes are:

1. Modify the existing boundary in the Northeastern Zone to include Shasta Valley in the Northeastern Zone.

Criteria established by the Service allow minor changes in zone boundaries once every five years. Minor changes are defined as being those that affect less than a county. In 1990 the Northeastern and Balance of State boundary was changed to include Shasta Valley (an interior mountain valley) in the Balance of State Zone. This proposal modifies the boundary to return Shasta Valley to the Northeastern Zone. The previous boundary adjustment was made to provide hunter opportunity for diving ducks (primarily canvasback and scaup) which had typically arrived later in the waterfowl hunting season. In 1991, the California Department of Fish and Game acquired and began development of the Shasta Valley Wildlife Area and emphasized wetland management for dabbling ducks. Successful dabbling duck management on Shasta Valley Wildlife Area has encouraged private landowners to manage their lands in a similar fashion. Modification of the Northeastern Zone boundary will allow for more hunting opportunity for dabbling ducks. Effects on harvest are expected to be small because Shasta Valley is not a major waterfowl migration area.

2. Increase the Small Canada goose season length in the North Coast Special Management Area to 107 days, (split the Small Canada goose section into 2 segments) and allow hunting for Small Canada geese from February 24 until March 10.

The existing regulation allows a 100-day season for all Canada geese ending no later than the last Sunday in January in the North Coast Special Management Area. The proposal would increase the season length, split the season into two parts, and allow hunting of only Small Canada geese from February 24 to

March 10. The Large Canada goose hunting season would be closed after the last Sunday in January to protect nesting Large Canada geese. Aleutian Canada geese are now feeding primarily on privately-owned pastures in Humboldt and Del Norte counties during the spring. Private landowners are concerned that unimpeded population growth of Aleutian Canada geese is affecting the amount of grass available for livestock. The Aleutian Canada goose population has grown from about 800 birds in 1976 to approximately 100,000 in 2005. The current population exceeds the population goal of 60,000 called for in the Flyway Management Plan. The Aleutian Canada goose was listed as Endangered until 1991 and was removed from the list of Threatened species in 2001. 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.

3. Increase the white-fronted goose daily bag limit to either 3 or 4 in the Northeastern Zone. An increase to 4 is contingent upon a spring hunt in Oregon.

The existing regulation allows a dark goose daily bag limit of 2 dark geese (including white-fronts) per day in the Northeastern Zone. The proposed change would increase the daily bag limit to 3 white-fronted geese per day. However, Oregon may recommend hunting during the spring to address depredation on the Oregon side of the Klamath Basin. At the current time, depredation in spring is not a significant problem on the California side and a spring hunt is not warranted. If Oregon moves forward with a spring hunt proposal, an additional increase to 4 birds per day would help reduce the number of white-fronted geese. The white-fronted goose population is currently about 500,000 birds and above the population goal of 300,000 birds established in the Flyway Management Plan.

4. Increase the white-fronted goose daily bag limit to 4 in the Southern San Joaquin Valley and Balance of State zones, contingent upon a spring hunt in Oregon.

The existing regulation allows 3 white-fronted geese per day. The proposed change would increase the bag limit to 4 only if Oregon's recommendation of a liberalized season on white-fronts goes forward. See above for justification.

5. Increase the black brant season length to 30 days.

The existing regulation allows a 15-day season. The proposed change would return the season length to 30 days as it was from 1984 through 2004. The Flyway Management Plan allows a 30-day season if the current 3-year average of the midwinter survey exceeds 110,000. The 3-year average in 2005 was 104,000 and it increased to 115,000 in 2006.

6. Provide a range of waterfowl hunting season lengths (which may be split into two

segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, Southern California, Balance of State, and Colorado River zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See table 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 Breeding Pair Survey is conducted in late April and May and the Service has established federal regulation "frameworks" for the 2006/07 waterfowl hunting season and considered proposals from the Pacific Flyway Council. 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:

2006 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 amendment.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

- 1. Continue with a 100-day season but allow hunting past the last Sunday in January for Small Canada geese in the North Coast Special Management Area.

- 2. Propose an 86-day continuous season for waterfowl and a duck

daily bag limit of 7 in all zones.

(b) No Change Alternative:

1. The No Change Alternative would keep the Shasta Valley in the Balance of State Zone. Continuing with Shasta Valley in the Balance of State Zone does not allow for maximum hunting opportunity.
2. The No Change Alternative would not increase the goose season length in the North Coast Special Management Area to 107 days and not allow hunting past the last Sunday in January for Small Canada geese only. Continuing with a 100-day season that ends on the last Sunday in January does not use hunting to reduce crop depredation on private land and continues to allow unchecked population growth of Aleutians. This would lead to greater depredation complaints on the northwest coast of California in the spring.
3. The No Change Alternative would not increase the white-fronted goose daily bag limit to either 3 or 4 in the Northeastern Zone. Continuing with the current dark goose daily bag limit is an unnecessary restriction.
4. The No Change Alternative would not increase the white-fronted goose daily bag limit to 4 in the Southern San Joaquin Valley and Balance of State zones. Continuing with the current white-fronted goose daily bag limit is acceptable if Oregon does not liberalize regulations on white-fronts.
5. The No Change Alternative would not increase the black brant season length to 30 days. Continuing with a 15-day season is an unnecessary restriction, and does not comply with the Flyway Management Plan.
6. The No Change Alternative would keep the existing season lengths and dates and duck 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 and less burdensome to the affected private 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. 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: 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 six proposals contained herein, the U.S. Fish and Wildlife Service, after analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed regulations in California. 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. Five (items 1 through 5) of the six proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 19, 2006. The Service will consider these and other recommendations at their meeting on July 26-27, 2006. Item 6 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation “frameworks” which occurs in late July after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department’s proposals are as follows:

1. Modify the existing boundary in the Northeastern Zone to include Shasta Valley in the Northeastern Zone.
2. Increase the Small Canada goose season length in the North Coast Special Management Area to 107 days, (split the Small Canada goose section into 2 segments) and allow hunting for Small Canada geese from February 24 until March 10.
3. Increase the white-fronted goose daily bag limit to either 3 or 4 in the Northeastern Zone. An increase to 4 is contingent upon a spring hunt in Oregon.
4. Increase the white-fronted goose daily bag limit to 4 in the Southern San Joaquin Valley and Balance of State zones, contingent upon a spring hunt in Oregon.
5. Increase the black brant season length to 30 days.
6. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, Southern California, Balance of State,

and Colorado River zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
			2/day. Possession limit double the daily bag
Northeastern Zone	Ducks	Between 38 & 105 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 105 days	
	Canvasback	Between 0 & 105 days	
	Geese	100 days	4/ day, up to 4 white geese, up to 3-4 white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.
Southern San Joaquin Valley Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	100 days	4/ day, up to 4 white geese, up to 3-4 white-fronts, up to 3 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
Colorado River Zone	Ducks	Between 38 & 101 days	4-7/day, no more than 3-7 mallards, no more than 2 hen mallards or Mexican-like ducks, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 101 days	
	Canvasback	Between 0 & 101 days	
	Geese	101 days	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
Southern California Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	100 days	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
Balance of State Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	100 days	4/ day, up to 4 white geese, up to 3-4 white-fronts, up to 3 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Between 0 & 107 days, except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Between 0 & 30 days, must end by Dec 15	
Balance of State Brant	Black Brant	Between 0 & 30 days, must end by Dec 15	
YOUTH 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.	
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	