

Register does not occur until September. California has made four 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. Changes are proposed for several subsections of 502 which are generally described below. Regarding duck season lengths and bag limits, item 3 provides notice that other framework regulations may change in 2014 when current biological information becomes available. Concerning geese, items 4, 5, and 6, require Flyway Council and Service approval to establish the final bag limits pursuant to the process described above.

Objectives for the number of each population of geese that winter in the Pacific Flyway (Flyway) have been established by the Pacific Flyway Council. These objectives were established to sustain these populations for their intrinsic value while at the same time providing for sustainable recreational opportunity (hunting and viewing). All of these populations have recovered from lows in the 1970s and 1980s to levels that far exceed their management plan goals. Geese at high population levels create agricultural depredation problems in some states, and in some cases, have caused or threaten to cause long-lasting environmental damage to sensitive arctic habitats. The specific recommendations below are consistent with Flyway management plan strategies to liberalize standard hunting regulations within the constraints of the Migratory Bird Treaty Act and federal regulations, to alleviate the negative consequences of geese far above their population objectives.

The specific recommended regulation changes are:

- 1) In current subsection 502(b)(5)(A) Special Management Areas, change the name in subparagraph 2 from Humboldt Bay South Spit to Humboldt Bay South Spit (West Side). Modifying the name clarifies and more accurately describes this Special Management Area.

Since Special Management Areas are not a subset of the Balance of State Zone (as might be implied by the current numbering of the regulation) it is proposed that the numbering of these provisions be revised. A new subsection "502(b)(6)Special Management Areas" is proposed (with subsequent renumbering of subparagraphs 1. through 8. to (A) through (H)).

- 2) In current subsection 502(c)(C) increase the possession limit from 25 to triple the daily bag limit for coots and moorhens statewide. This change will make the possession limit for coots and moorhens consistent with those of other waterfowl throughout the state. Coot populations in California are high and the overall take of this species is quite low.

The existing possession limits for coots and moorhens is the daily bag limit. The proposed change would increase the possession limit to triple the daily bag limit (total of 75). Waterfowl possession limits were changed for the 2013-14 hunting season but the coot and moorhen possession limit remained unchanged. The intention of this recommendation is to maintain consistency for migratory bird hunting. Possession limits were established to limit possible wanton waste and overharvesting of migratory birds. These regulations extended from market hunting times in the early 1900s. However, due to the long history of waterfowl management since the passage of the Migratory Bird Treaty Act, these concerns have mostly diminished. Increasing the possession limit extends hunting opportunity for individuals who travel long distances and/or hunt multiple days during hunting seasons. This change is expected to have no impact on the coot and moorhen populations in California or the Pacific Flyway. Few hunters select for coots and those hunters typically do not achieve the bag limit. California public hunt area harvest data indicate that .03 coots are taken per hunter while the federal harvest data indicate between .2 and 1 coots are taken per hunter for the same time period. The 2014 midwinter survey conducted in January estimated over 600,000 coots wintering in California while the breeding population survey for coots estimated 250,000 in spring 2013.

The present numbering of the subsection is not consistent with the other provisions of this section. Therefore a new subsection "502(c)(1) Statewide Provisions" is proposed with a subsequent renumbering of subparagraphs (1) – (3) to (A) – (C).

- 3) Changes in current subsection 502(d) provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107days (including 2 days for Youth Waterfowl Hunting 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. 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 cannot be proposed until the California Waterfowl Breeding Population Survey is completed in May and the Service has established federal regulation "frameworks" for the 2014/15 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.

- 4) Changes in current subsection 502(d) propose to increase the total daily bag limit for geese throughout the state, with the exception of the Colorado River Zone. Specific increases in the total bag limit include:
 - a. From 10 to 25 geese per day in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones, and
 - b. From 10 to 18 geese per day in the Southern California Zone.

Wintering goose populations in California are at record levels. Specifics for each goose population are provided below. Flyway Council and Service approval is needed for this proposed change.

- 5) Increases in the total daily bag limit for white geese are also proposed in subsection 502(d). Specific increases in the total bag limit for white geese include:
 - a. From 10 to 15 white geese per day in the Northeastern California, Southern San Joaquin Valley, Southern California, and Balance of State zones, and
 - b. From 10 to 15 white geese per day in the Imperial County Special Management Area.

Both Ross' geese and lesser snow geese populations (defined as white geese in Section 502 (a)) in the Pacific Flyway are about 1,000,000 birds and are well above their population goals (100,000 and 200,000 respectively). These species nest in the high Arctic of Canada and Alaska, and in the mid-continent region where white goose populations expanded to such a high level that long-lasting damage was occurring to arctic habitats. The Canadian Wildlife Service has proposed to

designate both populations as overabundant because of the rapid population growth since 2003. "Over abundant" status, under the Migratory Bird Treaty Act would allow for the take of birds after the treaty ending date of March 10, and allow for unlimited harvest through largely unlimited means. The Service and Pacific Flyway recognize that reducing the population is needed but achieving a reduction through fall hunting alone under normal hunting regulations is not likely given the low numbers of hunters. More liberal fall hunting regulations are a first step that if unsuccessful, will likely be replaced by even more aggressive reduction efforts by Canada. There is a small concern that increased white goose daily bag limits will impact Wrangel Island Lesser Snow geese (WI snow geese). WI snow geese also winter in California and cannot be differentiated from the Western Arctic Lesser Snow geese. However, California harvest data for 2009 through 2012 indicate that well over 50% of hunters only achieve 1 Ross's goose or Snow goose daily. Increasing the daily bag limit to 15 will not likely increase harvest of white geese including those from Wrangel Island. Flyway Council and Service approval is needed for this proposed change.

- 6) Changes proposed in current subsection 502(d) will also increase the dark goose daily bag limit as follows:
 - a. From 6 to 10 dark geese per day in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones,
 - b. From 3 to 4 dark geese per day in the Colorado River Zone, and
 - c. From 6 to 10 Canada geese per day in the North Coast Special Management Area.

The intent is to increase the harvest of white-fronted geese and both Small and Large Canada geese as defined in Section 502(a). 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 nesting range of Large Canada geese has expanded to include urban and suburban areas in the Central Valley. Complaints from private property owners regarding the effects of resident Canada geese occur regularly. In 2008, the Fish and Game Commission adopted changes to Section 503 which allow the destruction of nests and eggs.

Small Canada geese include the Aleutian and Cackler populations. 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. The

Aleutian Canada goose population has grown from about 800 birds in 1976 to approximately 166,300 in 2013. The current population exceeds the population goal of 60,000 called for in the Flyway Management Plan.

Increasing the dark goose daily bag limit will allow additional hunting opportunity and potentially reduce nuisance goose complaints. When combined, the proposed increases in the dark goose, white goose and total goose daily bag limits are intended to increase the harvest of geese, allow additional hunting opportunity, and potentially reduce depredation complaints. Flyway Council and Service approval is needed for this proposed change.

7) Since Special Management Areas are not a subset of the Balance of State Zone (as might be implied by the current numbering of the regulation) it is proposed that the numbering of these provisions in subsection 502(d)(5)(D) be revised. A new subsection "502(d)(6) Special Management Areas" is proposed to replace 502(d)(5)(D), with subsequent renumbering of the following subparagraphs. Other references to this subsection are also changed.

(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:

Economic Impact Assessment

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

No public meetings are scheduled 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 existing Humboldt South Bay Spit Special Management Area name.
- 2) The No Change Alternative would maintain the existing possession limits for coots and moorhens.
- 3) 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.
- 4) The No Change Alternative would maintain the existing total daily bag limit of 10 geese per day in the Northeastern California, Southern San Joaquin Valley, Southern California, and Balance of State zones.
- 5) The No Change Alternative would maintain the existing total daily bag limit of 10 white geese per day in the Northeastern California, Southern San Joaquin Valley, Southern California, and Balance of State zones. The total daily bag limit for white geese would also remain at 10 per day in the Imperial County Special Management Area.
- 6) The No Change Alternative would maintain the existing total daily bag limit of 6 dark geese per day in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. The total daily bag limit for dark geese would remain at 3 geese per day in the Colorado River Zone, and the total daily bag limit for Canada geese would remain at 6 geese per day in the North Coast Special Management Area.
- 7) The No Change Alternative would retain the existing numbering in subsection 502(d)(5)(D) which implies that Special Management Areas are included within the Balance of State Zone.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed

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.

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; 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 2014-15 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 proposed regulations for the waterfowl hunting season in 2014-15. 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 sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission 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 for waterfowl. Changes are proposed for several subsections of Section 502 which are generally described below. Regarding duck season lengths and bag limits, item 3 provides notice that other framework regulations may change in 2014 when current biological information becomes available. Concerning geese, items 4, 5, and 6 require Flyway Council and Service approval to establish the final bag limits pursuant to the process described below.

The Service will consider recommendations from the Flyway Council at their meeting on July 31 and August 1, 2014. 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.

The Department’s proposals are as follows:

1. Modify the name of the Humboldt Bay South Spit Special Management Area to Humboldt Bay South Spit (West Side).
2. Increase the possession limit for coots and moorhens to triple the daily bag limit statewide. This change will make the possession limit for coots and moorhens consistent with those for other waterfowl throughout the state.
3. 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. See table below for season and bag limit ranges.
4. Increase the total daily bag limit for geese in the Northeastern California, Southern San Joaquin Valley, and the Balance of State zones from 10 to 25 geese per day; the Southern California Zone total daily bag limit for geese will increase from 10 to 18 geese per day.
5. Increase the total daily bag limit for white geese in the Northeastern California, Southern San Joaquin Valley, Southern California, and Balance of State zones from 10 to 15 white geese per day; the bag limit for white geese will increase from 10 to 15 per day in the Imperial County Special Management Area.

6. Increase the total daily bag limit for dark geese from 6 to 10 dark geese per day in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones; increase the bag limit for dark geese from 3 to 4 per day in the Colorado River Zone; and increase the daily bag limit for Canada geese from 6 to 10 per day in the North Coast Special Management Area.
7. Since Special Management Areas are not a subset of Balance of State Zones (as might be implied by the present numbering of the regulation) it is recommended that the numbering of these provisions in 502(d)(5)(D) be revised. A new subsection "502(d)(6) Special Management Areas" is proposed to replace 502(d)(5)(D), with subsequent renumbering of the following subparagraphs. Other references to this subsection are also changed.

Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

Benefits of the regulations

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 2014-15.

Non-monetary benefits to the public

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.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing state regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Summary of Proposed Waterfowl Hunting Regulations

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25-75 in possession
Northeastern 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, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 38 & 105 days	
	Geese	Regular Season Dark geese: 100 days White geese: 73 days Late Season White geese: 32 days Whitefronts: 5 days	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese no more than 2 Large Canada geese. Possession limit triple 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, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	100 days	10-18/ day, which may include: 10-15 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 101 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 101 days	
	Geese	101 days	10/day, up to 10 white geese, up to 3-4 dark geese. Possession limit triple 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 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: 100 days Late Season: 5 days (Whitefronts and white geese)	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese. Possession limit triple the daily bag.

Summary of Proposed Waterfowl Hunting Regulations, Continued

SPECIAL MANAGEMENT AREAS	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 cannot exceed 100 days or extend beyond the last Sunday in January.	6-10/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 (West Side)	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	From Nov 7 for 30 days	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	2/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	10-15/day. Possession limit triple 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 9
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	