

**State of California
Office of Administrative Law**

In re:
Fish and Game Commission

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 502, 507

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

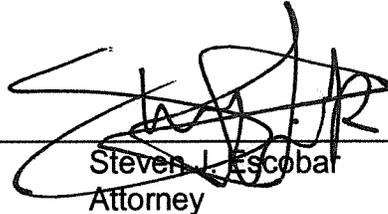
OAL Matter Number: 2016-0512-02S

OAL Matter Type: Regular (S)

In this regular rulemaking, the Fish and Game Commission (the "Commission") is amending sections 502 and 507 in title 14 of the California Code of Regulations. Current regulations in Section 502 provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl hunting. This rulemaking, *inter alia*, changes various hunting zone descriptions and daily bag limits, as well as modifies the age limit to participate in the Youth Waterfowl Hunting Days from 15 years of age and under to 17 years of age and under. The amendments to Section 507 correct a grammatical error and remove a prohibition on the possession of a firearm while archery hunting.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 6/23/2016.

Date: June 23, 2016



Steven J. Escobar
Attorney

For: Debra M. Cornez
Director

Original: Michael Yaun
Copy: Jon Snellstrom

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2016-0216-11	REGULATORY ACTION NUMBER 2016-0512-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2016 MAY 12 P 4: 16
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUN 23 2016

1:54 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Waterfowl 2016-2017	TITLE(S) 14	FIRST SECTION AFFECTED 502	2. REQUESTED PUBLICATION DATE February 26, 2016
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2016-09-2	PUBLICATION DATE 2/26/2016	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Waterfowl 2016-2017	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ACTION ON PROPOSED NOTICE
502, 507	<input type="checkbox"/> ADOPT <input type="checkbox"/> AMEND <input type="checkbox"/> REPEAL
TITLE(S) 14	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify) **Effect. on filing w/SOS per 355 F&GC**

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jon.snellstrom@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Melissa A. Miller-Henson</i>	DATE May 12, 2016
TYPED NAME AND TITLE OF SIGNATORY Melissa Miller-Henson, Staff Services Manager	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 23 2016

Office of Administrative Law

REGULATORY TEXT

Section 502, Title 14, CCR, is amended as follows:

§502. Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule).

... [No changes to 502(a) through (c)]

(d) Seasons and Bag and Possession Limits for Ducks and Geese by Zone.		
(1) Northeastern California Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers)	From the second Saturday in October extending for 105 days. Scaup: from the second Saturday in October extending for a period of 58 days and from the fourth Saturday in December extending for a period of 28 days.	Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females. • 2 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). Possession limit: triple the daily bag limit.
Geese	Regular Season: Dark geese from the second Saturday in October extending for 100 days. White geese from the first Saturday in November extending for 72 days. <u>October extending for a period of 58 days and from the first Saturday in January extending for a period of 14 days.</u> Late Season: White-fronted geese from the first Sunday in March extending for 5 days. White geese from the first Sunday in February extending for 33 days. <u>White-fronted geese from March 4 extending for 5 days.</u>	Daily bag limit: 25 <u>30</u> Daily bag limit may include: • 45 <u>20</u> white geese. • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.

	<p><u>White geese from the first Monday in February extending for 33 days.</u> During the Late Season, hunting is only permitted on <u>Type C wildlife areas listed in Section 550-552, navigable waters, and private lands with the permission of the land owner under provisions of Section 2016, Fish and Game Code. Hunting is prohibited on Type A and Type B wildlife areas, the Klamath Basin National Wildlife Refuge Complex, the Modoc National Wildlife Refuge, and any waters which are on, encompassed by, bounded over, flow over, flow through, or are adjacent to any Type A and Type B wildlife areas, the Klamath Basin National Wildlife Refuge Complex, or the Modoc National Wildlife Refuge.</u></p>	
<p>(2) Southern San Joaquin Valley Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)</p>		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
<p>Ducks (including Mergansers)</p>	<p>From the fourth Saturday in October extending for 100 days. Scaup: from the first Saturday in November extending for 86 days.</p>	<p>Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females. • 2 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). Possession limit: triple the daily bag limit.</p>

Geese	From the fourth Saturday in October extending for 100 days.	Daily bag limit: 25 <u>30</u> Daily bag limit may include: • 15 <u>20</u> white geese. • 10 dark geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
(3) Southern California Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers)	From the fourth Saturday in October extending for 100 days. Scaup: from the first Saturday in November extending for 86 days.	Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females. • 2 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). Possession limit: triple the daily bag limit.
Geese	From the fourth Saturday in October extending for 100 days.	Daily bag limit: 18 <u>23</u> Daily bag limit may include: • 15 <u>20</u> white geese. • 3 dark geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
(4) Colorado River Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers).	From the third Friday in October extending for 101 days. Scaup: from the last <u>first</u> Saturday in October <u>November</u> extending for 86 days.	Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females or Mexican-like ducks. • 2 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). Possession limit: triple the daily bag limit.

Geese	From the third Friday in October extending for 101 days.	Daily bag limit: 14 Daily bag limit may include: • 10 white geese. • 4 dark geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
(5) Balance of State Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers).	From the fourth Saturday in October extending for 100 days. Scaup: from the first Saturday in November extending for 86 days.	Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females. • 2 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex). Possession limit: triple the daily bag limit.

Geese	<p>Early Season: Large Canada geese only from the Saturday closest to October 1 for a period of 5 days EXCEPT in the North Coast Special Management Area where Large Canada geese are closed during the early season.</p> <p>Regular Season: Dark and white geese from the fourth Saturday in October extending for 100 days EXCEPT in the Sacramento Valley Special Management Area where the white-fronted goose season will close after December 21.</p> <p>Late Season: White-fronted geese and white geese from the second Saturday in February</p>	<p>Daily bag limit: 25 30 Daily bag limit may include: • 45 20 white geese. • 10 dark geese</p> <p>EXCEPT in the Sacramento Valley Special Management Area where only 3 may be white-fronted geese (see definitions: 502(a)).</p> <p>Possession limit: triple the daily bag limit.</p>
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		extending for a period of 5 days EXCEPT in the Sacramento Valley Special Management Area where the white-fronted goose season is closed. During the Late Season, hunting is not permitted on wildlife areas listed in Sections 550-552 EXCEPT on Type C wildlife areas in the North Central and Central regions.	
(6) Special Management Areas (see descriptions in 502(b)(6))			
	(A) Species	(B) Season	(C) Daily Bag and Possession Limits
1. North Coast	All Canada Geese	From the second Sunday in November From November 7 extending for a period of 85 84 days (Regular Season) and from the third Saturday in February 18 extending for a period of 20 21 days (Late Season). During the Late Season, hunting is only permitted on private lands with the permission of the land owner under provisions Section 2016, Fish and Game Code.	Daily bag limit: 10 Canada Geese of which only 1 may be a Large Canada goose (see definitions: 502(a)), EXCEPT during the Late Season the bag limit on Large Canada geese is zero. Possession limit: triple the daily bag limit.
2. Humboldt Bay South Spit (West Side)	All Species	Closed during brant Season	
3. Sacramento Valley	White-Fronted Geese	Open concurrently with the goose season through December 21, and during Youth Waterfowl Hunting Days.	Daily bag limit: 3 white-fronted geese. Possession limit: triple the daily bag limit.
4. Morro Bay	All species	Open in designated area only from the opening day of brant season through the remainder of waterfowl season.	
5. Martis Creek Lake	All species	Closed until November 16.	

6. Northern Brant	Black Brant	From November 8 extending for 37 days.	Daily bag limit: 2 Possession limit: triple the daily bag limit.
7. Balance of State Brant	Black Brant	From November 9 extending for 37 days.	Daily bag limit: 2 Possession limit: triple the daily bag limit.
8. Imperial County	White g <u>Geese</u>	From the first Saturday in November extending for a period of 86 days (Regular Season) and from the first Saturday in February extending for a period of 16 days (Late Season). 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.	Daily bag limit: 15 <u>20</u> Possession limit: triple the daily bag limit.

(e) Youth Waterfowl Hunting Days Regulations (NOTE: To participate in these Youth Waterfowl Hunts, federal regulations require that hunters must be ~~15~~ 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)

(1) Statewide Provisions.

(A) Species	(B) Season	(C) Daily Bag Limit
Ducks (including Mergansers), American Coot, Common Moorhen, Black Brant, Geese	<p>1. Northeastern California Zone: The Saturday fourteen days before the opening of waterfowl season extending for 2 days.</p> <p>2. Southern San Joaquin Valley Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p> <p>3. Southern California Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p> <p>4. Colorado River Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p>	Same as regular season.

	5. Balance of State Zone: The Saturday following the closing of waterfowl season extending for 2 days.	
(f) Falconry Take of Ducks (including Mergansers), Geese, American Coots, and Common Moorhens.		
(1) Statewide Provisions		
(A) Species	(B) Season	(C) Daily Bag and Possession Limits
Ducks (including Mergansers), Geese, American Coot and Common Moorhen	<p>1. Northeastern California Zone. Open concurrently with duck season through January 17, 2016 <u>January 15, 2017</u>.</p> <p>2. Balance of State Zone. Open concurrently with duck season and February 6-7, 2016 <u>February 4-5, 2017</u> EXCEPT in the North Coast Special Management Area where the falconry season for geese runs concurrently with the season for Small Canada geese (see 502(d)(6))</p> <p>3. Southern San Joaquin Valley Zone. Open concurrently with duck season and February 1-3, 2016 <u>January 30-February 1, 2017</u>. Goose hunting in this zone by means of falconry is not permitted.</p> <p>4. Southern California Zone. Open concurrently with duck season and February 1-5, 2016 <u>January 30-February 3, 2017</u>. EXCEPT in the Imperial County Special Management Area where the falconry season for geese runs concurrently with the season for white geese.</p> <p>5. Colorado River Zone. Open concurrently with duck season</p>	<p>Daily bag limit: 3 Daily bag limit makeup: • Either all of 1 species or a mixture of species allowed for take.</p> <p>Possession limit: 9</p>

and ~~January 25-28, 2016~~ 30-February 1, 2017.

Goose hunting in this zone by means of falconry is not permitted. Federal regulations require that California's hunting regulations conform to those of Arizona, where goose hunting by means of falconry is not permitted.

Note: Authority cited: Sections 202 and 355, Fish and Game Code. Reference: Sections 202, 355 and 356, Fish and Game Code.

REGULATORY TEXT

Section 507, Title 14, CCR, is amended to read as follows:

§507. Provisions Related to the Taking of Migratory Game Birds.

(a) Authorized Methods. Only the following methods may be used to take migratory game birds:

(1) Falconry.

(2) Bow and Arrows or Crossbows. Only arrows or ~~crossbows~~ crossbow bolts with flu-flu fletching may be used except that conventionally fletched arrows may be used to take waterfowl sitting on the water from scullboats or similar watercraft. ~~Archers hunting during any archery season may not possess a firearm while in the field engaged in archery hunting.~~

... [No changes to subsections 507(a)(3) through 507(d)]

Note: Authority cited: Section 355, Fish and Game Code. Reference: Sections 355, 356 and 3005, Fish and Game Code.