

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

I. Date of Initial Statement of Reasons: October 14, 2016

II. Date of Final Statement of Reasons: May 5, 2017

III. Dates and Locations of Scheduled Hearings:

(a) Discussion Hearing: Date: December 8, 2016
Location: San Diego, CA

(b) Notice Hearing Date: February 8, 2017
Location: Rohnert Park, CA

(c) Adoption Hearing: Date: April 26, 2017
Location: Van Nuys, CA

IV. Update:

The Fish and Game Commission (Commission) adopted at its April 26, 2017 meeting the specific season lengths and daily bag limits identified as ranges in the Initial Statement of Reasons.

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 October and specify the maximum season lengths and daily bag limits. In addition, federal regulations require the North Coast Special Management Area late goose season dates to conform to the adjacent zone in Oregon, and require the Colorado River Zone to conform to the adjacent zone in Arizona.

The Commission adopted the Department recommendations, with the exception of the white-fronted goose season in the Northeastern Zone, and other minor editorial changes to clarify the regulations at the April 26, 2017 meeting. The Commission adopted a 2-way split in the Northeastern Zone for white-fronted geese; the 2-way split maintains the current white-fronted goose season of 100 days during the general season and 5 days during the late season. The Commission would like SHARE opportunities explored for the 2018-19 season in conjunction with the Department creating a special management area in the Northeastern Zone. The special management area would include the Klamath

Basin where public hunt areas are utilized more heavily and hunt days would be maintained during the general season when public hunt areas are open. The remainder of the Northeastern Zone would continue to have extended late goose seasons with public hunt areas closed to alleviate goose depredation on private lands.

Summary of Comments and Response to Comments:

- a) Comment Source: Mark Hennelly, California Waterfowl Association (CWA), letter dated April 10, 2017 and public testimony December 8, 2016 and April 26, 2017; and Bill Gaines, Gains and Associates, public testimony December 8, 2016, February 8, 2017 and April 26, 2017.

Supports the Department's recommendation with the exception of the Northeastern Zone season length for white-fronted geese in the general and late season; recommends keeping the 100-day general season with a 5-day late season (2-way split).

Department Response: The Commission adopted the Department's recommendations with the exception of the Northeastern Zone white-fronted goose season. The Commission adopted a 2-way split for white-fronted geese; the 2-way split maintains the current 100-day general season and the 5-day late season for white-fronted geese.

- b) Comment Source: Noelle Cremers, California Farm Bureau, public testimony December 8, 2016, February 8, 2017, April 26, 2017 and letter dated April 20, 2017.

The Farm Bureau members in the northeast California continue to have concerns about goose depredation in the Northeastern Zone and support the Department's proposal of a 3-way split for white-fronted geese.

Department Response: The Commission adopted a 2-way split for white-fronted geese rather than the Department's recommendation; the 2-way split maintains the current white-fronted goose season of 100 days during the general season and 5 days during the late season.

- c) Comment Source: Gary Robeson: Past Chairman of the Board Cal-Ore Wetlands & Waterfowl Council (February 22, 2017) and Rich Klug: Siskiyou County Fish and Game Commission (March 10, 2017).

Not in favor of removing days from the general white-fronted goose season and adding days to the late goose season for white-fronted geese in the Northeastern Zone.

Department Response: The Commission adopted a 2-way split for white-fronted geese rather than the Department's recommendation; the 2-way split

maintains the current white-fronted goose season of 100 days during the general season and 5 days during the late season.

VI. Location and Index of Rulemaking File

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission
1416 9th Street, Room 1320
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife
Waterfowl Program
1812 9th Street
Sacramento, California 95811

VIII. 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 boundary descriptions for the Southern California and Colorado River zones. Maintaining the boundary descriptions may cause confusion as they don't accurately reflect the boundaries using current maps.
- 2) The No Change Alternative would maintain the existing two-way split season for white-fronted geese in the Northeastern Zone.
- 3) The No Change Alternative would maintain the existing daily bag limit for white geese in the Colorado River Zone. Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River 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.

IX. 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 would provide additional recreational opportunity to the public and could result in minor increases in hunting days and hunter spending on equipment, fuel, food and accommodations.

- (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 2017-18 waterfowl hunting season dates and bag limits within the federal frameworks. Little to minor positive impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations for the waterfowl hunting season in 2017-18.

The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California (revised 2014) 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 manage waterfowl populations for sustainability into the future, 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.

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 for waterfowl hunting.

The frameworks for the 2017-18 season have been approved by the Flyway Councils and will be considered for adoption at the Service Regulation's Committee meeting on October 25-26, 2016. The proposed frameworks allow for a liberal duck season which includes a 107-day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86-day season). Duck daily bag limit ranges, duck season length ranges and goose season length ranges have been provided to allow the Commission flexibility. Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and with those of Oregon in the North Coast Special Management Area. Based on the frameworks, the Department of Fish and Wildlife (Department) provides an annual recommendation to the Fish and Game Commission.

The Department recommendations are as follows:

1. Modify the boundary descriptions in subsections 502(b)3 and 4 for the Southern California and Colorado River zones.
2. Allow the white-fronted goose season to be split into three segments in subsection 502(d)(1)B for the Northeastern California Zone.
3. Increase the daily bag limit for white geese in subsection 502(d)(4)(C) for the Colorado River Zone from 10 to 20 per day.

Minor editorial changes are also 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 and the sustainable management of the State's waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2017-18.

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 its regulations in Title 14, CCR, and conducted a search of other 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 for 2017-18			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, Dark Geese and White Geese. White geese and dark geese may be split 3-ways.</i>	Ducks	Between 38 & 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 105 days	
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, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 100 days	
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] females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	No longer than 100 days	
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	101 days	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	101 days	
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, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: no longer than 100 days Late Season: 5 days (whitefronts and white geese)	
			30/day, which may include: 20 white geese, 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.	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	Open Nov 8 extending for 37 days	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	Open Nov 9 extending for 37 days	2/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	Up to 102 days	20/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	(NOTE: To participate in these Youth Waterfowl Hunts, federal regulations require that hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)		
	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	105 days	

UPDATE

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 October, 2016. In addition, federal regulations require the North Coast Special Management Area late goose season dates to conform to the adjacent zone in Oregon, and require the Colorado River Zone to conform to the adjacent zone in Arizona.

Summary of Adopted Waterfowl Hunting Regulations

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone	Ducks	Oct 7 – Jan 19	7/day, which may include: 7 mallards no more than 2 females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Oct 7– Dec 3 & Dec 23 – Jan 19	
	Geese	Regular Season Dark Geese: Oct 7 – Jan 14 White geese: Oct 7 – Dec 3 & Jan 6 – Jan 19 Late Season Whitefronts: Mar 3 – Mar 7 White geese: Feb 6 – Mar 10	30/day, which may include: 20 white geese, 10 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone	Ducks	Oct 21 – Jan 28	7/day, which may include: 7 mallards no more than 2 females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 4 – Jan 28	
	Geese	Oct 21 – Jan 28	30/ day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
Southern California Zone	Ducks	Oct 21 – Jan 28	7/day, which may include: 7 mallards no more than 2 females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 4 – Jan 28	
	Geese	Oct 21 – Jan 28	23/ day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone	Ducks	Oct 20 – Jan 28	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 4 – Jan 28	
	Geese	Oct 20 – Jan 28	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.
Balance of State Zone	Ducks	Oct 21 – Jan 28	7/day, which may include: 7 mallards no more than 2 females, 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	Nov 4 – Jan 28	
	Geese	Early Season: (Large CAGO only) Sept 30 – Oct 4 Regular Season: Oct 21 – Jan 28 Late Season: (Whitefronts and White geese) Feb 10 – Feb 14	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.

Summary of Adopted Waterfowl Hunting Regulations, continued			
SPECIAL MANAGEMENT AREAS	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Nov 7 – Jan 28 & Feb 17 – Mar 10	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	Nov 8 – Dec 14	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	Nov 9 – Dec 15	2/day. Possession limit triple the daily bag.
Imperial County	White Geese	Nov 4 – Jan 28 & Feb 3 – Feb 18	20/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Sept 23 – 24	Same as regular season
Southern San Joaquin Valley Zone		Feb 3 – 4	
Southern California Zone		Feb 3 – 4	
Colorado River Zone		Feb 3 – 4	
Balance of State Zone		Feb 3 – 4	
FALCONRY	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Oct 7 – Jan 14	3/day, possession limit 9
Balance of State Zone		Oct 21 – Jan 28 & Feb 3 -4	
Southern San Joaquin Valley Zone	Ducks only	Oct 21 – Jan 31	
Southern California Zone	Same as regular season	Oct 21 – Feb 2	
Colorado River Zone	Ducks only	Oct 20 – Feb 1	

The Commission adopted the Department recommendations, with the exception of the white-fronted goose season in the Northeastern Zone and other minor editorial changes to clarify the regulations at the April 26, 2017 meeting. The Commission adopted a 2-way split in the Northeastern Zone for white-fronted geese; the 2-way split maintains the current white-fronted goose season of 100 days during the general season and 5 days during the late season. The Commission would like SHARE opportunities explored for the 2018-19 season in conjunction with the Department creating a special management area in the Northeastern Zone. The special management area would include the Klamath Basin where public hunt areas are utilized more heavily and hunt days would be maintained during the general season when public hunt areas are open. The

remainder of the Northeastern Zone would continue to have extended late goose seasons with public hunt areas closed to alleviate goose depredation on private lands.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

Nonsubstantive changes were made to the list of authorities to reflect changes enacted by SB 1473 on January 1, 2017.