

## STAFF SUMMARY FOR APRIL 17, 2019

**16. WATERFOWL****Today's Item****Information** ☐**Action** ☒

Adopt proposed changes to migratory waterfowl regulations and ensure conformance with federal regulations.

**Summary of Previous/Future Actions**

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| • WRC vetting                     | Sep 20, 2018; WRC, Sacramento     |
| • Notice hearing                  | Dec 12-13, 2018; Oceanside        |
| • Discussion hearing              | Feb 6, 2019; Sacramento           |
| • <b>Today's adoption hearing</b> | <b>Apr 17, 2019; Santa Monica</b> |

**Background**

At the FGC notice hearing in Dec 2018, DFW proposed changes to migratory waterfowl regulations in Section 502 to comply with proposed frameworks for the 2019-20 season as approved by the Pacific Flyway Council. The proposed frameworks are scheduled to be adopted by the U. S. Fish and Wildlife Service (Service) in late April.

Bag limits and season lengths remain unchanged from current regulations, except for allowances for calendar progression. In addition to federal framework conformance measures (exhibits 1 and 2), DFW proposes to:

1. add small Canada geese to the regular season in subsection 502(d)(1)(B) for the Northeastern California Zone,
2. add small Canada geese to season in subsection 502(d)(6)(A)3 for the Klamath Basin Special Management Area, and
3. open the late season for white geese two weeks after the close of the regular season in subsection 502(d)(6)(A)9. for the Imperial County Special Management Area.

***Duck Season Dates***

The federal frameworks include an option to allow the duck season to close Jan 31 rather than the last Sunday in Jan, based on a request from the State of Mississippi. This change allows the season to close up to six additional days later, compared to closing the last Sunday in Jan. At the Dec 2018 FGC meeting, the California Waterfowl Association (CWA) requested that FGC consider the change in season date. FGC added this as an option to the Initial Statement of Reasons (ISOR) prior to going to notice. Prior to adopting regulation changes, FGC must select one of two duck season closing date options.

***Option 1: Close the last Sunday in Jan (no change):*** Option 1 would allow more time to work with stakeholders and counties to determine potential impacts of closing the season on Jan 31, which could be considered in the next waterfowl package. This option also allows for a five-day falconry-only season (outside of the shotgun season) because in most zones only 102 days are currently proposed out of a possible 107 days. The request for a falconry-only season was made by the California Hawking Clubs (CHC) (Exhibit 4).

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**Option 2: Establish Jan 31 as the end of regular season:** Option 2 would provide more opportunity to the general waterfowl hunting community by using the full 107 available days for the regular season, as requested by the California Waterfowl Association (CWA) at the Dec 2018 FGC meeting, but would eliminate the ability to provide a falconry-only season outside of the shotgun season.

### Significant Public Comments

1. CHC urges FGC not to change the season end date in order to allow falconers to engage in waterfowl hunting after the end of the regular season without exposure to active firearms (Exhibit 4).
2. CWA requests that FGC extend the season end date to Jan 31 to provide more opportunity to the waterfowl hunting community. Over 700 form emails in support of the proposal were received by the end of the public comment period (see sample email in Exhibit 5).

### Recommendation

**FGC staff:** Staff recommends approving changes as recommended by DFW, including selecting Option 1 to allow for: (a) a five-day falconry-only season, and (b) DFW to complete a survey of waterfowl hunters to assess the impacts of a change to a Jan 31 closing date.

**DFW:** Approve seasons lengths and bag limits for the 2019-20 waterfowl hunting season and other changes to conform to the framework and changes to goose hunting as reflected in the ISORs (exhibits 1-2). DFW recommends the “no change” option (Option 1) for the closing date. However, DFW does not have any objection to the Jan 31 closure date option (Exhibit 6). DFW will provide season dates for both options at the meeting.

### Exhibits

1. [Conformance \(“concurrence”\) with federal regulations ISOR](#)
2. [Migratory waterfowl ISOR](#)
3. [Final environmental document, dated Apr 17, 2019](#)
4. [Email from William Ferrier, representing CHC, received Feb 14, 2019](#)
5. [Sample form email on subject “Please support 5 additional days of duck hunting”](#)
6. [DFW memo received Apr 9, 2019](#)
7. [DFW presentation received Apr 11, 2019](#)

### Motion/Direction

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission finds that the environmental document reflects the independent judgment of the Commission, certifies the final environmental document, adopts the proposed project, selects Option 1 (no change to season end date from last Sunday in Jan), and adopts the staff recommendations to section 502 and section 509, regarding migratory waterfowl regulations for the 2019-2020 season.

**OR [see next page]**

## STAFF SUMMARY FOR APRIL 17, 2019

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission certifies the final environmental document, adopts the proposed project, selects Option 2 (change season end date to Jan 31), and adopts proposed changes to section 502 and section 509, regarding migratory waterfowl regulations for the 2019-2020 season.

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

Amend Section 509  
Title 14, California Code of Regulations  
Re: Concurrence with Federal Regulations

I. Date of Initial Statement of Reasons: October 30, 2018

II. Dates and Locations of Scheduled Hearings

- |                         |           |                   |
|-------------------------|-----------|-------------------|
| (a) Notice Hearing:     | Date:     | December 13, 2018 |
|                         | Location: | Oceanside, CA     |
| (b) Discussion Hearing: | Date:     | February 6, 2019  |
| (If necessary)          | Location: | Sacramento, CA    |
| (c) Adoption Hearing:   | Date:     | April 17, 2019    |
|                         | Location: | Santa Monica, CA  |

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations in Section 509, Title 14, California Code of Regulations (CCR), incorporate requirements found in Federal regulations, including requirement that hunters must possess a Federal migratory-bird hunting and conservation stamp for the taking of migratory birds. The U.S. Fish and Wildlife Service (Service) has begun issuing an electronic stamp, or E-stamp. To be consistent with Federal regulations and allow the Department to issue electronic Federal migratory-bird hunting and conservation stamps in the future, amendments to the text of Section 509 are necessary.

The proposed change is:

Amend the language in Section 509(c) to include "...or an unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...".

- (b) Goals and Benefits of the Regulation:

The benefits of the proposed administrative change are concurrence with Federal

law. The regulations provide for the conservation and maintenance of sufficient waterfowl populations to ensure their continued existence.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section 355, Fish and Game Code.

Reference: Sections 355 and 356, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication: No public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No other alternatives were identified.

(b) No Change Alternative:

The No Change Alternative would maintain the existing language that refers only to possession of a physical Federal migratory-bird hunting and conservation stamp and not of the E-stamp which is equally sufficient for proof of possession.

(c) 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.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, the Competitive Advantages or Disadvantages for Businesses Currently Doing Business Within the State; the Increase or Decrease of Investment in the State; the Incentives for Innovation in Products, Materials, or Processes; Benefits of the Regulation to the Health, Safety and Welfare of California Residents, Worker Safety, and the State's Environment and Quality of Life:

The Commission does not anticipate any impacts on: the creation or elimination of jobs, the creation of new business or the elimination of existing businesses or the expansion of businesses in California, a decrease or increase in investment in California, incentives for innovation, benefits related to the regulation of health, safety and welfare of California residents, worker safety, and the State's environment because the proposed action is an administrative action to facilitate the recognition of the electronic Federal migratory-bird hunting and conservation stamp issued for hunting migratory game birds in California. If this administrative action increases transaction costs for hunters, minor negative impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations.

- (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.

- (e) 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.

## VII. Economic Impact Assessment:

### (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Little to minor positive impacts on the creation of jobs within businesses that provide services to waterfowl hunters may result from amending state regulations to concur with Federal regulations for the 2019-20 season. The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California (revised 2011), estimated that waterfowl hunters contributed about \$169,115,000 to small businesses in California during the 2011 waterfowl 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. The 2011 report is posted on the U.S. Department of Commerce website at [https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011\\_Survey.htm](https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011_Survey.htm). A 2016 report is available, however data was not collected at the state level. The long-term intent of the proposed regulation is to allow hunters to obtain an electronic Federal migratory-bird hunting and conservation stamp in place of a physical federal stamp, which minimizes confusion with the hunting public and ensures compliance with state and federal regulations.

### (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

### (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed regulation is unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulation is to allow hunters to obtain an electronic Federal migratory-bird hunting and conservation stamp in place of a physical stamp, which minimizes confusion with the hunting public and ensures compliance with state and Federal regulations.

### (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The regulation itself does not have direct benefits as it is an administrative change. However, hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation including exercise. People who hunt

have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the Regulation to Worker Safety:

The regulations will not affect worker safety because they do not address working conditions.

(f) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of waterfowl resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of waterfowl to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Modifying state regulations to comply with federal regulations minimizes confusion and ensures compliance. Additionally, the fees that hunters pay for licenses and stamps fund wildlife conservation.



## **Informative Digest/Policy Statement Overview**

Current regulations in Section 509, Title 14, California Code of Regulations (CCR), incorporate requirements found in Federal regulations, including a requirement that hunters must possess a Federal migratory-bird hunting and conservation stamp for the taking of migratory birds. The U.S. Fish and Wildlife Service (Service) has begun issuing an electronic stamp, or E-stamp. To be consistent with Federal regulations and allow the Department to issue electronic Federal migratory-bird hunting and conservation stamps in the future, amendments to the text of Section 509 are necessary.

The proposed change is:

Amend the language in Section 509(c) to include "...or an unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...".

### **Benefits of the regulations**

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the State's waterfowl resources.

### **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 509 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

## Proposed Regulatory Text

Section 509, Title 14, California Code of Regulations, is amended to read:

### **§ 509. Concurrence with Federal Regulations.**

(a) The regulations adopted by the United States through its Secretary of Interior under the Migratory Bird Treaty Act, as amended annually in Part 10, subparts A and B, and Part 20, Title 50, Code of Federal Regulations, are hereby adopted and made a part of this Title 14 except where said federal regulations are less restrictive than the provisions of Chapter 7 of this Title 14 (sections 500-509), the provisions of Chapter 7 prevail.

(b) Any violations of the regulations adopted pursuant to subsection (a) are violations of this section.

(c) It shall be unlawful for any person aged sixteen years or older to take any migratory waterfowl unless at the time of such taking the person carries in his or her immediate possession an unexpired Federal migratory-bird hunting and conservation stamp validated by his or her signature written by him or herself in ink across the face of the stamp or an unexpired Federal migratory-bird hunting and conservation electronic stamp, issued in his or her name prior to any taking of such birds.

Note: Authority cited: Section 355, Fish and Game Code. Reference: Part 10, subparts A and B, and Part 20, Title 50, CFR, amended Sept. 18, 1987, 52 Fed. Reg. 35248; 16 USC 718a; and Sections 355 and 356, Fish and Game Code.

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

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: January 4, 2019
- II. Dates and Locations of Scheduled Hearings
- (a) Notice Hearing:           Date:           December 13, 2018  
  Location:       Oceanside, CA
- (b) Discussion Hearing:       Date:           February 6, 2019  
  Location:       Sacramento, CA
- (c) Adoption Hearing:        Date:           April 17, 2019  
  Location:       Santa Monica, CA

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 (Frameworks) for migratory bird hunting. California must set its waterfowl hunting regulations within the Frameworks. The Frameworks describe the earliest dates that waterfowl hunting seasons may open, the maximum number of days hunting can occur, the latest dates that hunting seasons must close, and the maximum daily bag limit. The proposed hunting season Frameworks for a given year are developed in the fall of the prior year, for a majority of species and populations. For example, the breeding populations (including the California Breeding Population Survey) and habitat conditions observed in 2018 and the regulatory alternatives selected for the 2018 hunting season will be used to develop the Frameworks for the 2019-20 season.

States may make recommendations to change the Frameworks. These recommendations are made to flyway councils in August or September. The councils may elect to forward recommendations to the Service. The Service may elect to incorporate proposed changes in the Frameworks. The Service considers these and other recommendations at the Service's Regulation Committee public meeting held in late October. Proposed season Frameworks are typically published by mid-December and final Frameworks published by late February.

Section 355 of the Fish and Game Code authorizes the Fish and Game Commission (Commission) to adopt annual regulations pertaining to the hunting of migratory

birds that conform with, or further restrict, the regulations prescribed by the Service pursuant to its authority under the Migratory Bird Treaty Act. The Commission selects and establishes in State regulations the specific hunting season dates and daily bag limits within the 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. The proposed Frameworks for the 2019-20 season were approved by the flyway councils and were considered for adoption at the Service's Regulations Committee meeting October 16-17, 2018. 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), closing no later than January 31. Duck daily bag limit ranges and duck season length ranges are provided to allow the Commission flexibility.

A range of season length and bag limit (zero bag limit represents a closed season) is also provided for black brant. The range is necessary, as the black brant Framework cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2019. The regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the survey, well before the Commission's adoption meeting. See the table in the Informative Digest for the range of season and bag limits.

Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The specific recommended regulation changes are:

- 1) Add Small Canada geese to the Regular Season in subsection 502(d)(1)(B) for the Northeastern California Zone.

The existing regulation only identifies Large Canada geese during the regular season. Small Canada geese were inadvertently omitted from the regular season when white-fronted goose seasons were modified in prior year rulemakings. Dark geese include both Small and Large Canada geese, and white-fronted geese. Dark geese remained listed under daily bag and possession limits but were removed from the regular season to accommodate the modified white-fronted goose seasons. This recommendation is to clarify the intent of the regulation and to maintain the hunting season for Small Canada geese in the zone.

- 2) Add Small Canada geese to Season in subsection 502(d)(6)(A)3 for the Klamath Basin Special Management Area.

See item 1 above for justification. This recommendation is to clarify the intent of the regulation and to maintain the hunting season for Small Canada geese in the special management area.

- 3) Open the Late Season for white geese two weeks after the close of the Regular Season in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area.

The existing regulation opens the late season one week after the close of the regular season. The proposed change is intended to allow private landowners to use hunting as a tool to disperse geese and minimize depredation when the greatest concentration of white geese are present.

- 4) Allow 5 additional days of falconry-only season for the Balance of State Zone in subsection 502(f)(1)(B)2 and allow 2 additional days of falconry-only season for the Southern San Joaquin Valley Zone in subsection 502(f)(1)(B)3.

The existing regulations do not use all 105 days available in these zones and is intended to provide opportunity to falconers outside of the general hunting season (eliminates conflict with gun season) as discussed between the Department and the California Hawking Club on June 18, 2018. This recommendation maintains a 100-day duck season length.

An alternative requested by Commissioners at the notice hearing:

- 1) Add up to five days a year to the general duck and goose seasons by closing on January 31 instead of the last Sunday in January, as proposed by California Waterfowl at the December notice hearing. This alternative eliminates the existing and proposed falconry-only seasons.

(b) Goals and Benefits of the Regulation:

The goals and benefits of the regulations are to provide for the conservation and maintenance of sufficient waterfowl populations to ensure their continued existence.

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.

(c) 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.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: None.

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

This proposal was discussed at the Commission's Wildlife Resources Committee meeting held on September 20, 2018 and a public scoping session was held on October 18, 2018.

#### IV. Description of Reasonable Alternatives to Regulatory Action

##### (a) Alternatives to Regulation Change:

An alternative was offered by the public to use an additional 5 days (current regulations only use 100 of 105 days allowed in Frameworks) for the general duck and goose seasons in the Balance of State, Southern San Joaquin Valley and Southern California Zones, and close these seasons by closing on January 31 (Friday) rather than on the last Sunday in January, while maintaining the Saturday opener. This option has not been fully vetted by local county commissions and communities.

Traditionally, most waterfowl opening and closing days occur on the weekend to allow hunting opportunities for hunters who work Monday through Friday and hunt on public hunt areas. Closing January 31 for the 2019-20 season uses 5 additional days allowed under the Frameworks. However, this alternative would eliminate the existing and proposed extended falconry season (requested by the California Hawking Club, June 18, 2018) because the season length would exceed what is allowed under the Frameworks. Falconers prefer to have a small number of days dedicated to falconry only to avoid conflicts with general (gun) seasons.

Closing on January 31 while maintaining a Saturday opener for the subsequent four seasons (through 2023-24) requires an annual adjustment to season length for both general and falconry seasons. The option would add between 0 and 5 additional weekdays for the general duck and goose seasons. This change. Making annual adjustments may confuse some hunters who prefer the traditional season ending datelast Sunday in January.

##### (b) No Change Alternative:

The No Change Alternative would not identify a season, or bag and possession limits for Small Canada geese in the Northeastern Zone.

The No Change Alternative would not identify a season, or bag and possession limits for Small Canada geese in the Klamath Basin Special Management Area.

The No Change Alternative would not open the late white goose season in the Imperial County Special Management Area two weeks after the close of the general season.

The No Change Alternative would not use 5 additional days of falconry-only season for the Balance of State Zone and not allow 2 additional days of falconry-only season for the Southern San Joaquin Valley Zone.

The No Change Alternative would not close on January 31 and not use an additional 5-days allowed under the federal frameworks.

##### (c) 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 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 2019-20 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 2019-20 waterfowl hunting season.

The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife-associated recreation for California, 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 a 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 the same small businesses.

- (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, Government Code: None.
- (h) Effect on Housing Costs: None.

## VII. Economic Impact Assessment:

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Little to minor positive impacts on the creation of jobs within businesses that provide services to waterfowl hunters may result from the adoption of the proposed waterfowl hunting regulations for the 2019-20 season. The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife-associated recreation for California, estimated that waterfowl hunters contributed about \$169,115,000 to small businesses in California during the 2011 waterfowl 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 the same small businesses. The 2011 report is posted on the U.S. Department of Commerce website [https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011\\_Survey.htm](https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011_Survey.htm).

- (a) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

- (b) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The proposed minor variations in waterfowl bag limits are, by themselves, unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of various businesses that serve recreational waterfowl hunters.

- (c) Benefits of the Regulation to the Health and Welfare of California Residents:



Hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation, including exercise. People who hunt have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next, creating a special bond between family members and friends.

(d) Benefits of the Regulation to Worker Safety:

The regulations will not affect worker safety because they do not address working conditions.

(e) Benefits of the Regulation to the State's Environment:

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance and utilization of waterfowl resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of waterfowl to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Adoption of scientifically-based waterfowl seasons, bag and possession limits provides for the maintenance of sufficient waterfowl populations to ensure those objectives are met. The fees that hunters pay for licenses and stamps fund wildlife conservation.

(e) Other Benefits of the Regulation:

Hunting seasons provide an incentive for private land owners to maintain waterfowl habitat, mainly wetlands, that benefit waterfowl and other wetland dependent wildlife.

## **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 daily bag and possession limits. The proposed Frameworks for the 2019-20 season were approved by the flyway councils and were considered for adoption at the Service's Regulations Committee meeting October 16-17, 2018. 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), closing no later than January 31. Duck daily bag limit ranges and duck season length ranges are provided to allow the Commission flexibility.

A range of season length and bag limit (zero bag limit represents a closed season) is also provided for black brant. The range is necessary, as the black brant Framework cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2019. The regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the survey, well before the Commission's adoption meeting. See the table in the Informative Digest for the range of season and bag limits.

Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The Department's recommendations are as follows:

- 1) Add Small Canada geese to the Regular Season in subsection 502(d)(1)(B) for the Northeastern California Zone.
- 2) Add Small Canada geese to Season in subsection 502(d)(6)(A)3 for the Klamath Basin Special Management Area.
- 3) Open the Late Season for white geese two weeks after the close of the Regular Season in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area.
- 4) Allow 5 additional days of falconry-only season for the Balance of State Zone in subsection 502(f)(1)(B)2 and allow 2 additional days of falconry-only season for the Southern San Joaquin Valley Zone in subsection 502(f)(1)(B)3.

An alternative requested by Commissioners at the notice hearing:

- 1) Maintain 100-day season length and use additional five days for falconry-only hunting (as discussed between DFW and California Hawking Club June 18, 2018).
  - 1) Or, add up to five days a year to the general duck and goose seasons and close these seasons by closing on January 31 instead of the last Sunday in January, as proposed by California Waterfowl at the December notice hearing. This alternative eliminates the existing and proposed falconry-only seasons.

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 consistency 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 2019-20.

## 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.

<b>Summary of Proposed Waterfowl Hunting Regulations for 2019-20</b>			
<b>AREA</b>	<b>SPECIES</b>	<b>SEASONS</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
<b>Statewide</b>	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
<b>Northeastern Zone</b> <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	30/day, which may include: 20 white geese, 10 dark geese, no more than 2 Large Canada geese. Possession limit triple the daily bag.
<b>Southern San Joaquin Valley Zone</b> <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 105 days	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
<b>Southern California Zone</b> <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 105 days	23/day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
<b>Colorado River Zone</b> <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	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.
<b>Balance of State Zone</b> <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. 1 pintail, 2 canvasback, 2 redheads, 3 scaup. Possession limit triple the daily bag.
	Scaup	86 days	
	Geese	Early Season: 5 days (Canada goose 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.
<b>SPECIAL MANAGEMENT AREAS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
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	
Klamath Basin	Dark and white geese	105 days except for Canada geese which cannot exceed 100 days or extend beyond January 31.	30/day, which may include: 20 white geese, 10 dark geese only 2 may be a Large Canada goose. Possession limit triple the daily bag.
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	No longer than 37 days and closing no later than Dec 14.	[0-2]/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	No longer than 37 days and closing no later than Dec 15.	[0-2]/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.
<b>YOUTH WATERFOWL HUNTING DAYS</b>	(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.)		
	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
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	Same as regular season	The first or second Saturday in February following the closing of waterfowl season extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The first or second Saturday in February following the closing of waterfowl season extending for 2 days.	Same as regular season
Colorado River Zone	Same as regular season	The Saturday following the closing for waterfowl season extending for 2 days.	Same as regular season
Balance of State Zone	Same as regular season	The first or second Saturday in February following the closing of waterfowl season extending for 2 days.	Same as regular season

<b>FALCONRY OF DUCKS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/day. Possession limit 9
Balance of State Zone	Same as regular season	Between 38 and 107 days	3/day. Possession limit 9
Southern San Joaquin Valley Zone	Same as regular season	Between 38 and 107 days	3/day. Possession limit 9
Southern California Zone	Same as regular season	Between 38 and 107 days	3/day. Possession limit 9
Colorado River Zone	Same as regular season	105 days	3/day. Possession limit 9

## REGULATORY TEXT

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

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

... [No changes to subsections (a) through (b)(6)]

(c) Seasons and Bag and Possession Limits for American Coots, and Common Moorhens.		
(1) Statewide Provisions.		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
American Coot and Common Moorhen	Concurrent with duck season(s)	Daily bag limit: 25, either all of one species or a mixture of these species. Possession limit: triple the daily bag limit.
(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.)		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers)	<del>From the first Saturday in October extending for 105 days.</del> <del>Scaup: from the first Saturday in October extending for a period of 58 days and from the fourth Saturday in December extending for a period of 28 days.</del> <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season may be split into two segments and will be between 38 and 105 days except for some species that may have a shorter season than the general duck season.]</u>	Daily bag limit: <del>7</del> <u>[4-7]</u> Daily bag limit may include: • <del>7</del> <u>[3-7]</u> mallards, but not more than 2 <del>[1-2]</del> females. • <del>2</del> <u>2</u> 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: <del>Small and Large Canada Geese: from the first Saturday in October extending for 100 days.</del> <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season will be no longer than 100 days.]</u>	Daily bag limit: 30 Daily bag limit may include: • 20 white geese. • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)).

	<p>White-fronted <del>geese</del> and white geese from the first Saturday in October <del>extending for a period of 58 days and from the first Saturday in January extending for a period of 14 days.</del>  <u>[opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season may be split into two segments and no longer than 100 days.]</u></p> <p>Late Season: White-fronted and white geese from February 6 <del>extending for 33 days.</del> <u>[Season will be no longer than 33 days and closing no later than March 10.]</u></p> <p>During the Late Season, hunting is only permitted on 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.</p>	Possession limit: triple the daily bag limit.
(2) Southern San Joaquin Valley 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)	<p><del>From the third Saturday in October extending for 100 days.</del>  <del>Scaup: from the first Saturday in November extending for 86 days.</del>  <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31.]</u></p> <p><u>Season may be split into two segments and will be between 38 and 105 days except for some species that may have</u></p>	<p>Daily bag limit: <del>7</del> <u>[4-7]</u>  Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• <del>7</del> <u>[3-7]</u> mallards, but not more than 2 <del>[1-2]</del> females.</li> <li>• <del>2</del> <u>1</u> pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>

	<u>a shorter season than the general duck season.]</u>	
Geese	<del>From the third Saturday in October extending for 100 days.</del> <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season will be no longer than 105 days.]</u>	Daily bag limit: 30 Daily bag limit may include: • 20 white geese. • 10 dark geese (see definitions: 502(a)).  Possession limit: triple the daily bag limit.
(3) Southern California Zone (NOTE: SE 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)	<del>From the third Saturday in October extending for 100 days.</del>  Scaup: <del>from the first Saturday in November extending for 86 days.</del> <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31.]</u> <u>Season may be split into two segments and will be between 38 and 105 days except for some species that may have a shorter season than the general duck season.]</u>	Daily bag limit: <del>7</del> <u>[4-7]</u> Daily bag limit may include: • <del>7</del> <u>[3-7]</u> mallards, but not more than 2 <u>[1-2]</u> females. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 scaup (either sex).  Possession limit: triple the daily bag limit.
Geese	<del>From the third Saturday in October extending for 100 days.</del> <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season will be no longer than 105 days.]</u>	Daily bag limit: 23 Daily bag limit may include: • 20 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.)		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers).	<del>From the third Friday in October extending for 101 days.</del>  Scaup: <del>from the first Saturday in November extending for 86 days.</del> <u>[Opening no earlier than the Saturday closest to October 1 and closing no later</u>	Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females or Mexican-like ducks. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex).



	than January 31. Season will be 101 days except for some species that may have a shorter season than the general duck season.]	<ul style="list-style-type: none"> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
Geese	<p><del>From the third Friday in October extending for 101 days.</del></p> <p>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season will be 101 days.]</p>	<p>Daily bag limit: 24</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 4 dark geese (see definitions: 502(a)).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
(5) Balance of State 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).	<p><del>From the third Saturday in October extending for 100 days.</del></p> <p>Scaup: <del>from the first Saturday in November extending for 86 days.</del></p> <p>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31.]</p> <p><u>Season may be split into two segments and will be between 38 and 105 days except for some species that may have a shorter season than the general duck season.]</u></p>	<p>Daily bag limit: 7 <del>[4-7]</del></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 7 <del>[3-7]</del> mallards, but not more than 2 <del>[1-2]</del> females.</li> <li>• 2 <del>1</del> pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
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 [opening no earlier than the Saturday closest to October 1 and closing no later than January 31] <del>from the third Saturday in October extending for 100 days</del> EXCEPT in the Sacramento Valley Special Management Area where the white-fronted goose season will close</p>	<p>Daily bag limit: 30</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 10 dark geese</li> </ul> <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>

		<p>after December 21.</p> <p>Late Season: White-fronted geese and white geese from the second Saturday in February 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.</p>	
(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	<p>From <del>October 31</del> <u>November 1</u> extending for a period of <del>89</del> <u>87</u> days (Regular Season) and from February 23 <u>22</u> extending for a period of <del>46</del> <u>18</u> 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.</p>	<p>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.</p> <p>Possession limit: triple the daily bag limit.</p>
2. Humboldt Bay South Spit (West Side)	All Species	Closed during brant season	
3. Klamath Basin	Geese	<p><del>Small and Large Canada Geese from the first Saturday in October</del>  <u>opening no earlier than the Saturday closest to October 1 and closing no later than January 31]</u>          extending for 100 days.</p> <p><del>White-fronted and white geese from the first Saturday in October</del>  <u>opening no earlier than the Saturday closest to October 1 and closing no later than January 31]</u></p>	<p>Daily bag limit: 30          Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>

		extending for 105 days.	
4. 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.
5. Morro Bay	All species	Open in designated area only from the opening day of brant season through the remainder of waterfowl season.	
6. Martis Creek Lake	All species	Closed until November 16.	
7. Northern Brant	Black Brant	<del>From November 8 extending for 37 days.</del> <u>Season will be between 0 and 37 days, closing no later than December 14.]</u>	Daily bag limit: 2- <del>[0-2]</del> Possession limit: triple the daily bag limit.
8. Balance of State Brant	Black Brant	<del>From November 9 extending for 37 days.</del> <u>Season will be between 0 and 37 days, closing no later than December 15.]</u>	Daily bag limit: <del>[0-2]</del> Possession limit: triple the daily bag limit.
9. Imperial County	White Geese	From the first Saturday in November extending for a period of 86 days (Regular Season) and from the first <u>second</u> Saturday in February extending for a period of <del>47</del> <u>16</u> 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: 20  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 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,	1. Northeastern California Zone: The Saturday fourteen days before the opening of waterfowl season extending		Same as regular season.

Common Moorhen, Black Brant, Geese	<p>for 2 days.</p> <p>2. Southern San Joaquin Valley Zone: The <u>[first or second] Saturday in February</u> following the <del>closing of waterfowl season</del> extending for 2 days.</p> <p>3. Southern California Zone: The <u>[first or second] Saturday in February</u> following the <del>closing of waterfowl season</del> extending for 2 days.</p> <p>4. Colorado River Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p> <p>5. Balance of State Zone: The <u>[first or second] Saturday in February</u> following the <del>closing of waterfowl season</del> extending for 2 days.</p>	
(f) Falconry Take of Ducks (including Mergansers), Geese, American Coots, and Common Moorhens.		
(1) Statewide Provisions		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers), Geese, American Coot and Common Moorhen	<p>1. Northeastern California Zone. <del>Open concurrently with duck season through January 13, 2019.</del> <u>[No longer than 105 days.]</u></p> <p>2. Balance of State Zone. <del>Open concurrently with duck season and February 2-3, 2019</del> <u>[No longer than 107 days]</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. <del>Open concurrently with duck season and January 28-30, 2019.</del> <u>[No longer than 107 days.]</u> Goose hunting in this zone by means of</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>

falconry is not permitted.

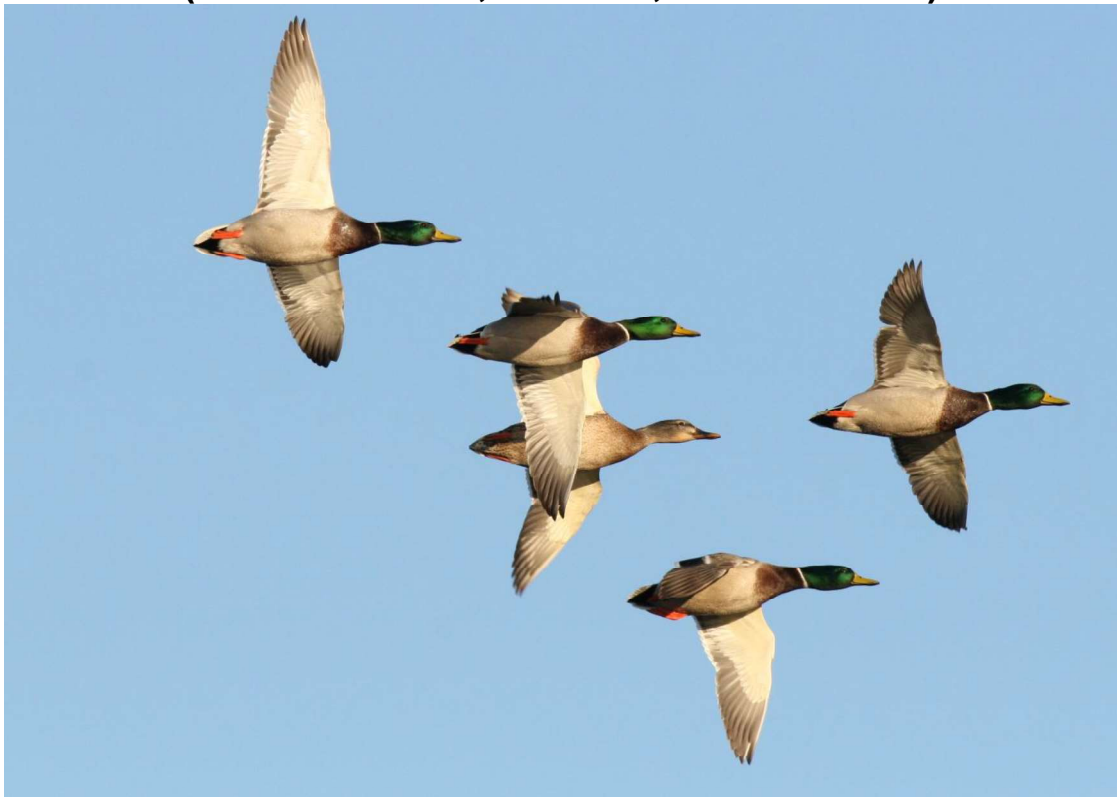
4. Southern California Zone. ~~Open concurrently with duck season and January 28-February 1, 2019. [No longer than 107 days]~~ EXCEPT in the Imperial County Special Management Area where the falconry season for geese runs concurrently with the season for white geese.

5. Colorado River Zone. ~~Open concurrently with duck season and January 28-31, 2019. [No longer than 105 days.]~~ 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 265 and 355, Fish and Game Code. Reference: Sections 265, 355 and 356, Fish and Game Code.

**FINAL  
ENVIRONMENTAL DOCUMENT  
Section 502, Title 14  
California Code of Regulations**

**MIGRATORY GAME BIRD HUNTING  
(WATERFOWL, COOTS, MOORHENS)**



April 17, 2019

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND WILDLIFE



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# CHAPTER 1 - SUMMARY

## ***PROPOSED PROJECT AND ALTERNATIVES***

The project discussed in this document (the proposed project) involves modifications to the current waterfowl hunting regulations for the 2019-20 waterfowl hunting season. The California Department of Fish and Wildlife (Department) has amended the Draft Environmental Document dated December 3, 2018 to identify a new proposal as part of the project and a new alternative not originally considered as directed by the Commission and public comments. Specifically, the Department is proposing to:

- Add Small Canada geese to the Regular Season in the Northeastern California Zone
- Add Small Canada geese to Season in the Klamath Basin Special Management Area
- Open the Late Season for white geese two weeks after the close of the Regular Season in the Imperial County Special Management Area
- Allow 5 additional days of falconry-only season in the Balance of State Zone and 2 additional days of falconry-only season in the Southern San Joaquin Valley Zone

The U.S. Fish and Wildlife Service (Service) established the frameworks in late October. The Federal frameworks specify the outside dates, total number of hunting days, bag limits, shooting hours, and methods of take authorized for migratory game birds. States must set waterfowl hunting regulations within the federal frameworks. The Department will recommend specific season dates and bag limits to the Fish and Game Commission (Commission) that are within the federal frameworks.

The Commission may not select more liberal season dates or bag limits than those set by the Federal frameworks. The Department can only make recommendations within the Federal framework and the Commission's decision is whether to adopt the proposed changes or consider more restrictive regulations.

The Department is providing the Commission with a range of alternatives to the proposed project. Table 1 summarizes the Department findings that there are no

significant long-term adverse impacts associated with the proposed project or any of the project alternatives considered for the 2019-20 waterfowl hunting regulations.

## SUMMARY OF IMPACTS AND MITIGATION

Table 1. Summary of Alternatives and Their Impacts			
Alternative	Description	Significant Impact	Mitigation
Proposed Project	<p>Add Small Canada geese to the Regular Season in the Northeastern California Zone</p> <p>Add Small Canada geese to Season in the Klamath Basin Special Management Area</p> <p>Open the Late Season for white geese two weeks after the close of the Regular Season in the Imperial County Special Management Area</p> <p>Allow 5 additional days of falconry-only season in the Balance of State Zone and 2 additional days of falconry-only season in the Southern San Joaquin Valley Zone and continue to close the last Sunday in January</p>	No	N/A
Alternative 1. No Project	No change from the 2018-19 hunting regulations.	No	N/A
Alternative 2. Allow additional days of hunting by closing January 31	<p>Add Small Canada geese to the Regular Season in the Northeastern California Zone</p> <p>Add Small Canada geese to Season in the Klamath Basin Special Management Area</p> <p>Open the Late Season for white geese two weeks after the close of the Regular Season in the Imperial County Special Management Area</p> <p>Allow up to 5 additional days of general duck and goose seasons in the San Joaquin Valley, Southern California, and Balance of State zones by closing January 31 rather than the last Sunday in January</p>	No	N/A
Alternative 3. Reduced Season Lengths, Timing and Bag Limits	Reduce season lengths, timing, and/or bag limits by up to 50 percent.	No	N/A
Alternative 4. Elimination of All Mechanical Decoys.	Eliminate mechanical decoys as a method of take.	No	N/A

The Department concludes that the regulated harvest of migratory game birds within the Federal guidelines does not result in a significant adverse impact to their populations as analyzed in the 2006 Final Environmental Document for Migratory Game Bird Hunting of Waterfowl, Coots, and Moorhens (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). This is because the size of a wildlife population at any point in time is the result of the interaction between population (reproductive success and mortality rates) and its environment (habitat). Declines in habitat quality and quantity result in reduced carrying capacity, which results in corresponding declines in populations.

### **State and Federal roles in establishing waterfowl hunting regulations**

Migratory birds are managed under the provisions of the Migratory Bird Treaty Act of July 3, 1918 (40. Stat. 755:16 U.S.C. 703 et seq.), Federal regulations [50 CFR 20 (K)(L)], as well as California statutes (Fish and Game Code sections 355 and 356) and regulations selected by the Commission.

The regulations governing the take of migratory game birds in California are selected by the Commission and forwarded to the Service each year. The regulations selected by the Commission must be within frameworks established by the Service through the following generalized three-step process:

1. The Service, with assistance from the states, assesses the status of migratory game bird populations.
2. The Service establishes regulatory frameworks;
3. The Commission makes and forwards season selections to the Service regarding regulations for California; and
4. The Service and the State publish the final regulations.

The Federal frameworks specify the outside dates, total number of hunting days, bag limits, shooting hours, and methods of take authorized for migratory game birds. Proposals selected by the Commission cannot be more liberal than the frameworks established by the Service (Fish and Game Code, Section 355).

In selecting hunting regulations, the Commission is governed by the State's Conservation of Wildlife Resources Policy (Fish and Game Code, Section 1801). This policy contains, among other things, objectives to maintain sufficient populations of wildlife resources in the State and to provide public hunting opportunities through

regulated harvest where such harvest is consistent with maintaining healthy wildlife populations (Section 1801 California Fish and Game Code).

In August, the Service provided notice to establish hunting regulations for the 2019-20 hunting season; see Federal Register 83 FR 27836. The notice also solicits public comments and establishes the annual schedule for meetings.

The Department is recommending four changes to the existing hunting regulations. The frameworks for the 2019-20 season have been approved by the Flyway Councils and adopted by the Service Regulation's Committee meeting October 16-17, 2018. The 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). The Department's proposals for the 2019-20 hunting season for waterfowl, coots, and moorhens are based on these Federal frameworks. A range of season length and bag limit (zero bag limit represents a closed season) is also provided for black brant. The range is necessary, as the black brant Framework cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2019. The regulatory package is to be determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy (Pacific Flyway Council 2018) pending results of the January survey

#### The 2019-20 Federal Frameworks Pertaining to California

##### ***Ducks, Mergansers, Coots, Common Moorhens, and Purple Gallinules***

***Hunting Seasons and Duck Limits:*** Concurrent 107 days. The daily bag limit is 7 ducks and mergansers, including no more than 2 female mallards, 1 pintail, 3 scaup (86-day season), 2 canvasback, and 2 redheads. The season on coots and common moorhens may be between the outside dates for the season on ducks, but not to exceed 107 days. ***Coot, Common Moorhen, and Purple Gallinule Limits:*** The daily bag limits of coots, common moorhens, and purple gallinules are 25, singly or in the aggregate. Possession limits for all species are triple the daily bag limit.

***Outside Dates:*** Between the Saturday nearest September 24 (September 21) and January 31.

***Zoning and Split Seasons:*** Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may select hunting seasons by zones. Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming may split their seasons into two segments. Colorado, Montana, and New Mexico may split their seasons into two segments.

*Colorado River Zone, California:* Seasons and limits shall be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

## **Geese**

### Season Lengths, Outside Dates, and Limits

*Canada geese and brant:* Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 21) and January 31. In California, Oregon, and Washington, the daily bag limit is 4 Canada geese. For brant, the season framework will be determined by the harvest strategy in the management plan for the Pacific Population of Brant, pending results of the 2019 Winter Brant Survey (WBS). If the results of the 2019 WBS are not available, results of the most recent WBS will be used. Days must be consecutive. Washington and California may select hunting seasons for up to two zones. The daily bag limit is in addition to other goose limits. In Oregon and California, the brant season must end no later than December 15.

*White-fronted geese:* Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 10.

*Light geese:* Except as subsequently noted, 107-day seasons may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. The daily bag limit is 20.

*Split Seasons:* Unless otherwise specified, seasons for geese may be split into up to 3 segments. Three-way split seasons for Canada geese and white-fronted geese require Pacific Flyway Council and U.S. Fish and Wildlife Service approval and a 3-year evaluation by each participating State.

*California:* The daily bag limit for Canada geese is 10.

*Balance of State Zone (includes Southern San Joaquin Valley Zone):* A Canada goose season may be selected with outside dates between the Saturday nearest September 24 (September 21) and March 10. In the Sacramento Valley Special Management Area, the season on white-fronted geese must end on or before December 28, and the daily bag limit is 3 white-fronted geese. In the North Coast Special Management Area, hunting days that occur after the last Sunday in January should be concurrent with Oregon's South Coast Zone.

*Northeast Zone:* White-fronted goose seasons may be split into 3 segments.

*Shooting Hours* – From One-half hour before sunrise to sunset.



## ***AREAS OF CONTROVERSY***

A public scoping session regarding the preparation of environmental documents for hunting waterfowl was held on October 18, 2018, at the Wildlife Branch office located at 1812 9<sup>th</sup> Street, Sacramento. No areas of controversy regarding migratory bird hunting were identified at the meeting. However, members of the public have expressed concern regarding the following: 1) mechanical spinning wing decoys in the use of taking waterfowl during past hunting seasons. Specifically, since 2002 about 100 letters and or public testimony has been received by the Fish and Game Commission to ban mechanically spinning wing decoys while only about 12 letters of support or public testimony in favor of mechanically spinning wing decoys during the same time period (Department files); 2) the Commission has received numerous letters both supporting and opposing the continued hunting in Morro and Tomales bays; and 3) opposition to the continued restrictions on bag limit and season length for white-fronted geese in the Sacramento Valley Special Management Area.

Concerns about the effect of climate change since the 2006 Final Environmental Document for Migratory Game Bird Hunting of Waterfowl, Coots, and Moorhens (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811) was published led to a discussion of this topic in Appendix F.

## ***ISSUES TO BE RESOLVED***

As provided by existing law, the Commission is the decision-making body (lead agency) considering the proposed project, while the Department has responsibility for conducting management activities such as resource assessments, preparing management plans, operating public hunting opportunities and enforcing laws and regulations. The primary issue for the Commission to resolve is whether to change waterfowl hunting regulations, within the federal framework, as an element of waterfowl management. If such changes are authorized, the Commission will specify the areas, season lengths, and bag and possession limits and other appropriate special conditions.

## ***FUNCTIONAL EQUIVALANCY***

The California Environmental Quality Act (CEQA) requires all public agencies in the State to evaluate the environmental impacts of projects they approve, including regulations, which may have a potential to significantly affect the environment. CEQA review of the proposed project will be conducted in accordance with the Commission's

certified regulatory program (CRP) approved by the Secretary for the California Resources Agency pursuant to Public Resources Code section 21080.5 (See generally Cal. Code Regs., tit. 14, §§ 781.5, and 15251, subd. (b).). The Department has prepared this Environmental Document (ED) which is the functional equivalent of an Environmental Impact Report, on behalf of the Commission in compliance with this requirement. The ED provides the Commission, other agencies, and the general public with an objective assessment of the potential effects.

In addition, pursuant to Section 15087 of the CEQA Guidelines, this environmental document is available for public review for 45 days. During the review period, the public is encouraged to provide written comments regarding the environmental document to the Department of Fish and Wildlife, Wildlife Branch, 1812 9th Street, Sacramento, California 95811. Comments must be received by the Department by 5:00 p.m. on March 25, 2019.

## **CHAPTER 2 - THE PROPOSED ACTION**

The proposed project being considered consists of the following modifications to existing migratory game bird hunting regulations:

1. Add Small Canada Geese to the Regular Season in the Northeastern California Zone.
2. Add Small Canada Geese to Season in the Klamath Basin Special Management Area.
3. Open the Late Season for white geese two weeks after the close of the Regular Season in the Imperial County Special Management Area.
4. Allow 5 additional days of falconry-only season in the Balance of State Zone and 2 additional days of falconry-only season in the Southern San Joaquin Valley Zone

Table 2. Proposed Changes to Season Dates and Bag Limits for 2019-20.

Species by Zone	Daily Bag Limit	Possession limit	Season Length
<b>COOTS AND MOORHENS</b>			
Northeastern CA	no change	no change	no change
So. San Joaquin Valley	no change	no change	no change
So. California	no change	no change	no change
Colorado River	no change	no change	no change
Balance of State	no change	no change	no change
<b>DUCKS</b>			
Statewide	no change	no change	
EXCEPTIONS			
Mallard (max.)	no change	no change	no change
Mallard Hen (max.)	no change	no change	no change
Pintail (max.)	1	no change	no change
Redhead (max.)	no change	no change	no change
Scaup (max.)	no change	no change	no change
Canvasbacks (max.)	no change	no change	no change
Northeastern Calif.	no change	no change	no change
So. San Joaquin Valley	no change	no change	107 days
Southern California	no change	no change	107 days
Colorado River	no change	no change	no change
Balance of State	no change	no change	107 days
<b>GEESE</b>			
Northeastern Calif.		no change	no change
EXCEPTIONS			
Large Canada Geese (max.)	no change	no change	
White-Front (max.)	no change	no change	no change
Small Canada Geese (max.)	no change	no change	
White Geese (max.)	no change	no change	no change
So. San Joaquin Valley	no change	no change	107 days
EXCEPTIONS			
Large Canada Geese (max.)	no change	no change	
White-Front (max.)	no change	no change	
Small Canada Geese (max)	no change	no change	
White Geese (max.)	no change	no change	
Southern Calif.	no change	no change	107 days
EXCEPTIONS			
Large Canada Goose (max.)	no change	no change	
White-Front Geese (max.)	no change	no change	
Small Canada Geese (max)	no change	no change	
White Geese (max.)	no change	no change	
Colorado River	no change	no change	no change
EXCEPTIONS			
White Geese (max.)	no change	no change	
Dark Geese (max.)	no change	no change	
Balance of State	no change	no change	no change
EXCEPTIONS			
Large Canada Geese (max.)	no change	no change	
White-Front (max.)	no change	no change	
Small Canada Geese (max)	no change	no change	
White Geese (max.)	no change	no change	
<b>Special Management Areas</b>			
<b>Special Management Areas</b>	<b>Species</b>		<b>Season</b>
North Coast	no change		no change
Humboldt Bay South Spit	no change		no change
Klamath Basin	no change		no change
Sacramento Valley (West)	no change		no change
Morro Bay	no change		no change
Martis Lake	no change		no change
North Coast Brant	no change		0-37 days
Balance of State Brant	no change		0-37 days
Imperial County	no change		no change

[illegible]

## **BACKGROUND AND EXISTING CONDITIONS**

### **Background**

Waterfowl, coots and moorhens are migratory game birds that use varied habitat types in different geographical areas of North America. Many individuals of these species reproduce in other states and countries and migrate in the fall and winter to California, although there are substantial resident populations of some species.

There are 36 species of migratory game birds from two of the taxonomic families that occur in California, listed below. Migratory game birds are defined by convention and law as belonging to the following taxonomic families (USDI 1988a:1):

*Anatidae* (ducks, geese, brant, and swans);  
*Columbidae* (doves and pigeons);  
*Gruidae* (cranes);  
*Rallidae* (rails, coots, and gallinules);  
*Scolopacidae* (woodcock and snipe);  
*Corvidae* (crows).

The two families discussed in this ED are *Anatidae* and *Rallidae*. These families are combined herein due to similarities in basic life-history characteristics. These characteristics include: (1) the use of California as a migration and wintering area (Palmer 1976, Bellrose 1980, Zeiner *et al.* 1990); (2) the use of seasonal wetlands as roosting and foraging habitats (Bellrose 1980, Heitmeyer and Raveling 1988, USDI 1988a:31-56); and (3) for most duck species, similarities in nesting areas, habitat types, age at reproduction, and clutch sizes (Palmer 1976, Bellrose 1980, USDI 1988). Some differences among the species in these families exist. Geese and some duck species breed at an older age than do most ducks (Palmer 1976, Bellrose 1980). Deepwater and estuarine habitats are more important to some species (Palmer 1976, Bellrose 1980), and the use of dry and wet agricultural fields are more important to other species (Bellrose 1980, Zeiner *et al.* 1990).

Individuals and populations of migratory birds spend parts of the year in different geographical areas. Due to this geographic distribution and migratory nature, management for these species is based on geographic units, or flyways, (USDI 1975, USDI 1988a:63) comprised of several states (Figure 2).

These units, or flyways, incorporate populations that are generally discrete from populations in other units. Therefore, an analysis of the environmental effects of

Figure 2. Administrative Waterfowl Flyways



the proposed project in California must consider the status of the affected species at a flyway level.

### Adaptive Harvest Management

In March 1995 (60 FR 15642–15648), the Service implemented a general harvest strategy for setting duck framework regulations and the process will be used again in 2019 (83 FR 27836–27844). The regulatory process for migratory birds has evolved since the early 1900s from one that included little or no monitoring of populations and the establishment of regulations based on traditions, to today's more data-driven process (Johnson *et al.* 1993). The current process, known as Adaptive Harvest Management (AHM)(USFWS 2018a) establishes explicit harvest objectives and a single regulatory package is selected from a limited array of options. This single package is evaluated based on mathematical models, with the goal of ensuring that duck populations are healthy over the long-term while providing hunting opportunity consistent with the long-term health while learning more about the effect of hunting mortality on population parameters (See Final Environmental Document for Migratory Game Bird Hunting August 2006, incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811)

AHM balances hunting opportunities with the desire to achieve the duck population goals identified in the North American Waterfowl Management Plan (NAWMP). Currently, a set of four regulatory options, each containing flyway-specific season lengths, bag limits, and dates are being used. The selection of a specific option is recommended each year from a decision matrix based on mid-continent mallard breeding populations and habitat conditions in the current year, although the State continues to have the option to establish more restrictive regulations.

For the Pacific Flyway, the proposed regulatory packages vary primarily in season length (closed, 60, 86, or 107 days) and total duck bag limit (either four or seven ducks per day). Species- (e.g. mallard) and sex- (e.g. mallard) specific limits are contained within the AHM packages. Additionally, prescriptive regulation processes for pintail, canvasback and scaup have been adopted by the Service that determine daily bag limits depending on breeding population size, habitat conditions, and the season length established through the AHM process (see below).

In March 2008, the Pacific Flyway Council recommended that the Service set duck season frameworks in the Pacific Flyway based on a separate modeling approach that uses data from western mallards rather than mallards from the mid-continent region. This is because most of the mallards harvested in the Pacific Flyway originate from within the Flyway. The Service adopted the separate mallard model in August 2008 and plans to continue the use of that approach in 2019 (83 FR 27836–27844).



The western mallard approach uses the same regulatory packages as currently in use under continental AHM. Instead of a harvest objective constrained by the population goal in the NAWMP plan, the harvest objective for western mallards is based on a “shoulder approach”, or a proportion of maximum sustained yield. Current modeling suggests that western mallards have been harvested at about 80% of their maximum potential, compared to about 90% for mid-continent mallards under the continental AHM approach.

As in mid-continent AHM, daily bag limits and season length will be set based on the status of the mallard breeding population. Bag limits for other species, including those for which individual harvest strategies have been adopted (pintail, canvasbacks, scaup) are based on mid-continent AHM and will be used in the Pacific Flyway. The State continues to have the option to establish more restrictive regulations.

### Pintail Harvest Strategy

In 1997 a prescribed harvest strategy was developed (62 FR 39721 and 50662) with several modifications since inception. The harvest strategy was revised in 2002 when Flyway-specific harvest models were updated (67 FR 40131). In 2002 and 2003, the Service set pintail regulations that deviated from the strict prescriptions of the harvest strategy (i.e., partial season), but remained true to the intent of the strategy (67 FR 53694 and 59111; 68 FR 50019 and 55786). In 2004, the harvest strategy was modified to include a partial season option (69 FR 43696 and 52971). In adopting those changes, the USFWS and others called for review of the pintail strategy (69 FR 57142) and consideration of technical modifications that could be made to improve it. As a result of this review, the strategy was revised in 2006 to include updated flyway-specific harvest models, an updated recruitment model, and the addition of a procedure for removing bias in the breeding population size estimate based on its mean latitude (71 FR 50227 and 55656). Pursuant to requests from flyways and other stakeholders, a compensatory model was added to the strategy in 2007 (72 FR 18334, 31791, and 40198) as an alternative to the existing additive harvest model, and this update made the harvest strategy adaptive on an annual basis. The current strategy was developed in 2010 (75 FR 32873) and designed to maximize long-term cumulative harvest, which inherently requires perpetuation of a viable population. Hunting will be allowed when the observed breeding population is above 1.75 million birds (based on the lowest observed breeding population size since 1985 of 1.79 million birds in 2002).

The adaptive management protocol considers a range of regulatory alternatives for pintail harvest management that includes a closed season, 1-bird daily bag limit, or 2-bird daily bag limit. The maximum pintail season length depends on the general duck season framework (characterized as liberal, moderate, or restrictive and varying by Flyway) specified by mallard AHM.

An optimal pintail regulation is calculated under the assumption of a liberal mallard season length in all Flyways. However, if the season length of the general duck season determined by mallard AHM is less than liberal in any of the Flyways, then an appropriate pintail daily bag limit would be substituted for that Flyway. Thus, a shorter season length dictated by mallard AHM would result in an equivalent season length for pintails, but with increased bag limit if the expected harvest remained within allowable limits.

### Canvasback Harvest Strategy

Since 1994 the Service has followed a harvest strategy that if canvasback population status and production are sufficient to permit a harvest of 1-bird daily bag limit nationwide for the entire length of the regular duck season, while still attaining a projected spring population objective of 500,000 birds. In 2008 (73 FR 43290), the strategy was modified to incorporate the option for a 2-bird daily bag limit for canvasbacks when the predicted breeding population the subsequent year exceeds 725,000 birds. A partial season would be permitted if the estimated allowable harvest was within the projected harvest for a shortened season. If neither of these conditions can be met, the harvest strategy calls for a closed season.

### Scaup Harvest Strategy

The scaup population has experienced a significant long-term decline. The 2007 population estimate was the third lowest on record. Recent population estimates have been more than 30 percent below the 55 year average with the biggest decline occurring over the last 25 years. There is evidence that the long-term scaup decline may be related to changes in scaup habitat. Several different ideas have been proposed to explain the decline, including a change in migration habitat conditions and food availability, effects of contaminants on scaup survival and reproduction and changing conditions on the breeding grounds possibly related to warming trends in portions of northern North America. Hunting has not been implicated as a cause of the past scaup decline, but the Service is committed to ensuring that harvest levels remain commensurate with the ability of the declining population to sustain harvest. In 2008 the Service implemented a new scaup harvest strategy (73 FR 43290) that used restrictive, moderate, and liberal regulatory alternatives. The scaup harvest strategy prescribes optimal harvest levels given an observed breeding population size and an explicit harvest management objective; maximize 95% of long-term cumulative harvest.

### Service Changes in the Timing of Annual Migratory Bird Hunting Adoption

Historically, the Service published preliminary federal frameworks in mid-August and states adopted hunting regulations in early August based on the decisions of the Service Regulation Committee (SRC) in late July. The Service then published final

frameworks, which contained the state-selected seasons in September. Beginning with the 2016 hunting seasons (79 FR 56864) a new schedule is now used for setting annual migratory bird hunting regulations. The new schedule will establish migratory bird hunting seasons much earlier than the historic system. Under the new process, proposed hunting season frameworks for a given year will be developed in early fall of the prior year. Those frameworks will be finalized in October, thereby enabling the state agencies to select their seasons by late April and the Service will publish final frameworks in early summer.

Biological data (spring and summer surveys) for the following year will not be available in the fall, when the Flyway Councils and the Service will be developing hunting regulations for the next year. Thus, regulation development will be based on predictions derived from long-term biological information and established harvest strategies (as described above). This process will continue to use the best science available and will balance hunting opportunities with long-term migratory game bird conservation, while fulfilling all administrative requirements. Existing individual harvest strategies have been modified using either data from the previous year(s) or model predictions to fit this new schedule. Many existing regulatory prescriptions used for Canada Goose, Sandhill Cranes, Mourning Doves, and American Woodcock currently work on this basis. Uncertainty associated with these population status predictions has been accounted for and incorporated into the decision-making process. The Service concluded (Boomer, *et al.* 2015) that this uncertainty should not result in a disproportionately higher harvest rate for any stock, nor substantially diminish harvest opportunities, either annually or on a cumulative basis.

#### Service Changes to Season Ending Date (Season Extensions)

At the Service's Regulation Committee meeting in October 2018 the ending date for the duck season framework was changed to January 31, replacing the last Sunday in January. The framework ending date of the last Sunday in January has been in place since 2002, as previously analyzed in the 2006 Final Environmental Document for Migratory Game Bird Hunting of Waterfowl, Coots, and Moorhens (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The maximum season length remains 107 days.

This change results in up to a 6-day later ending date, depending on the year. For example, the new closing date for the 2019-20 season is Friday, January 31, 2020, rather than Sunday, January 26, 2020. For the 2020-21 season, January 31 falls on a Sunday, resulting in no difference from historic regulations.

## Existing Conditions

*Northeastern Zone:* In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street in Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada state line; north along the California-Nevada state line to the junction of the California-Nevada-Oregon state lines west along the California-Oregon state line to the point of origin.

Ducks: From the first Saturday in October extending for 105 days, 7/day which may include 7 mallards, 2 hen mallards, 2 pintail, 2 canvasback, 2 redheads, 3 scaup during the 86-day season. Possession limit triple the daily bag.

Large Canada Geese: from the first Saturday in October extending for 100 days, White-fronted geese and white geese from the first Saturday in October extending for a period of 58 days and from the first Saturday in January extending for a period of 14 days. 30/day, up to 20 white geese and up to 10 dark geese, but not more than 2 Large Canada geese Possession limit triple the daily bag.,

Coots and Moorhens: Concurrent with Duck Season. 25/day. Possession limit triple the daily bag.

Youth Hunting Days: The Saturday fourteen days before the opening of waterfowl season extending for 2 days. To participate in these youth hunts hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.

Falconry Take of Ducks: Open concurrently with duck season extending for 105 days. 3/day. Possession limit triple the daily bag.

*Southern San Joaquin Valley Zone:* All of Kings and Tulare counties and that portion of Kern County north of the Southern California Zone.

Ducks: From the third Saturday in October extending for 100 days, 7/day which may include, 7 mallards, 2 hen mallards, 2 pintail, 2 canvasback, 2 redheads, 3 scaup during the 86-day season. Possession limit triple the daily bag.

Geese: From the third Saturday in October extending for 100 days, 30/day, up to 20 white geese and up to 10 dark geese. Possession limit triple the daily bag.

Coots and Moorhens: Concurrent with Duck Season, 25/day. Possession limit triple the daily bag.

Youth Hunting Days: The Saturday following the closing of waterfowl season extending for 2 days. To participate in these youth hunts hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.

Falconry Take of Ducks: Ducks only, concurrent with duck season and January 28-30, 2019. 3/day. Possession limit triple the daily bag.

*Southern California Zone:* In that portion of southern California (but excluding the Colorado River zone) lying south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101-166 near the City of Santa Maria; continue north on 101-166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California-Nevada state line.

Ducks: From the third Saturday in October extending for 100 days, 7/day which may include, 7 mallards, 2 hen mallards, 2 pintail, 2 canvasback, 2 redheads, 3 scaup during the 86-day season. Possession limit triple the daily bag.

Geese: From the third Saturday in October extending for 100 days, 23/day, up to 20 white geese, up to 3 dark geese. Possession limit triple the daily bag.

Coots and Moorhens: Concurrent with duck season, 25/day. Possession limit triple the daily bag.

Youth Hunting Days: The Saturday following the closing of waterfowl season extending for 2 days. To participate in these youth hunts hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.

Falconry Take of Ducks: Concurrent with duck season and January 28 – February 1, 2019. 3/day. Possession limit triple the daily bag.

*Colorado River Zone:* In those portions of San Bernardino, Riverside, and Imperial counties lying east of the following lines: Beginning at the intersection of Nevada State Highway 95 with the California-Nevada state line; south along Highway 95 through the junction with Highway 40; continue south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside county line on a road known as “Aqueduct Road” also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; continue east 31 miles on Interstate 10 to its intersection with the Wiley Well Road; south on this road to Wiley Well; southeast along the Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on this road to Highway 8; east seven miles on Highway 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on this paved road to the intersection of the Mexican boundary line at Los Algodones, Mexico.

Ducks: From the third Friday in October extending for 101 days, 7/day which may include 7 mallards, 2 hen mallards or Mexican-like ducks, 2 pintail, 2 canvasback, 2 redheads, 3 scaup during the 86-day season. Possession limit triple the daily bag.

Geese: From the third Friday in October extending for 101 days, 24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.

Coots and Moorhens: Concurrent with Duck Season, 25/day, 25 in possession.

Youth Hunting Days: The Saturday following the closing for waterfowl season. To participate in these youth hunts hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.

Falconry Take of Ducks: Ducks only. Concurrent with duck season and from January 28 – 31, 2019. 3/day. Possession limit triple the daily bag.

*Balance of State Zone:* That portion of the state not included in Northeastern California, Southern California, Colorado River or the Southern San Joaquin Valley zones.

Ducks: From the third Saturday in October extending for 100 days, 7/day which may include 7 mallards, 2 hen mallards, 2 pintail, 2 canvasback, 2 redheads, 3 scaup during the 86-day season. Possession limit triple the daily bag.

Geese: Early Season: Large Canada only from the Saturday closest to October 1 for a period of 5 days EXCEPT in the North Coast Management Area where Large Canada geese are closed during the early season. Regular Season: Dark and white geese from the third 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. Late Season: White-fronted geese and white geese from the second Saturday in February extending for a period of 5 days EXCEPT in the Sacramento Valley Special Management Area where the white-fronted goose 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 Region. 30/day, up to 20 white geese and up to 10 dark geese, but not more than 3 white-fronted geese in the Sacramento Valley Special Management Area. Possession limit triple the daily bag.

Coots and Moorhens: Concurrent with Duck Season, 25/day. Possession limit triple the daily bag.

Youth Hunting Days: The Saturday following the closing of waterfowl season extending for 2 days. To participate in these youth hunts hunters must be 15 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.

Falconry Take of Ducks: Open concurrently with duck season and February 2–3, 2019. 3/day. Possession limit triple the daily bag.

*North Coast Special Management Area:* All of Del Norte and Humboldt counties.

All Canada Geese: From the second Sunday in November extending for a period of 85 days (Regular Season) and from the third Saturday in February extending for a period of 20 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. Up to 10/day Canada geese of which only 1 may be a Large Canada goose, EXCEPT during the Late Season the bag limit on Large Canada geese is 0/day. Possession limit triple the daily bag.

Falconry Take of Ducks: Geese only. Concurrent with Small Canada goose season. 3/day. Possession limit triple the daily bag.

*Humboldt Bay South Spit (West Side) Special Management Area:* Beginning at the intersection of the north boundary of Table Bluff County Park and the South Jetty Road; north along the South Jetty Road to the South Jetty; west along the South Jetty to the mean low water line of the Pacific Ocean; south along the mean low water line to its intersection with the north boundary of the Table Bluff County Park; east along the north boundary of the Table Bluff County Park to the point of origin.

All species: Closed during brant season

*Klamath Basin.* Beginning at the intersection of Highway 161 and Highway 97; east on Highway 161 to Hill Road; south on Hill Road to N Dike Road West Side; east on N Dike Road West Side until the junction of the Lost River; north on N Dike Road West Side until the Volcanic Legacy Scenic Byway; east on Volcanic Legacy Scenic Byway until N Dike Road East Side; south on the N Dike Road East Side; continue east on N Dike Road East Side to Highway 111; south on Highway 111/Great Northern Road to Highway 120/Highway 124; west on Highway 120/Highway 124 to Hill Road; south on Hill Road until Lairds Camp Road; west on Lairds Camp Road until Willow Creek; west and south on Willow Creek to Red Rock Road; west on Red Rock Road until Meiss Lake Road/Old State Highway; north on Meiss Lake Road/Old State Highway to Highway 97; north on Highway 97 to the point of origin.

Large Canada Geese from the first Saturday in October extending for 100 days, White-fronted and white geese from the first Saturday in October extending for 105 days. 30/day, up to 20 white geese and up to 10 dark geese, but not more than 2 Large Canada geese Possession limit triple the daily bag.

*Sacramento Valley (West) Special Management Area:* Beginning at the town of Willows; south on Interstate 5 to the junction with Hahn Road; east on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes; north on Highway 45 to its junction with Highway 162; north on Highway 45-162 to the town of Glenn; west on Highway 162 to the point of beginning.

White-fronted geese: Closed after Dec 21, 3/day. Possession limit triple the daily bag.

*Morro Bay Special Management Area:* Beginning at a point where the high tide line intersects the State Park boundary west of Cuesta by the Sea; northeasterly to a point 200 yards offshore of the high tide line at the end of Mitchell Drive in Baywood Park;



northeasterly to a point 200 yards offshore of the high tide line west of the Morro Bay State Park Boundary, adjacent to Baywood Park; north to a point 300 yards south of the high tide line at the end of White Point; north along a line 400 yards offshore of the south boundary of the Morro Bay City limit to a point adjacent to Fairbanks Point; northwesterly to the high tide line on the sand spit; southerly along the high tide line of the sand spit to the south end of Morro Bay; easterly along the Park boundary at the high tide line to the beginning point.

All species: Open in designated areas only

*Martis Creek Lake Special Management Area:* The waters and shoreline of Martis Creek Lake, Placer and Nevada counties.

All species: Closed until Nov 16

*Northern Brant Special Management Area:* Del Norte, Humboldt and Mendocino Counties.

Black Brant: From November 8 extending for 37 days. Possession limit triple the daily bag.

*Balance of State Brant Special Management Area:* That portion of the state not included in the Northern Brant Special Management Area.

Black Brant: From November 9 extending for 37 days. Possession limit triple the daily bag.

*Imperial County Special Management Area:* Beginning at Highway 86 and the Navy Text Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Rd.; north on Weist Rd. to Flowing Wells Rd.; northeast on Flowing Wells Rd. to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Rd.; south on Frink Rd. to Highway 111; north on Highway 111 to Niland Marina Rd.; southwest on Niland Marina Rd. to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

White geese: From the first Saturday in November extending for a period of 86 days (Regular Season) and from the first Saturday in February extending for 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. Up to 15 geese. Possession limit triple the daily bag.

## Proposed Changes and Analysis

- Add Small Canada Geese to the Regular Season in the Northeastern California Zone.

The existing regulation only identifies Large Canada geese under the heading of “Regular Season”. Small Canada geese were inadvertently omitted from that section when white-fronted goose seasons were modified in prior year rulemakings. Dark geese, by definition, include both Small and Large Canada geese, and white-fronted geese. Dark geese remained listed under the heading of “Daily Bag and Possession Limits” but were removed from the heading of “Regular Season” to accommodate the modified white-fronted goose seasons. This recommendation is to clarify the intent of the regulation and to maintain the hunting season for Small Canada geese in the zone.

- Add Small Canada Geese to Season in the Klamath Basin Special Management Area.

See analysis above for justification. This recommendation is to clarify the intent of the regulation and to maintain the hunting season for Small Canada geese in the special management area.

- Open the Late Season for white geese two weeks after the close of the Regular Season in the Imperial County Special Management Area.

The existing regulation opens the Late Season one week after the close of the Regular Season. The proposed change is intended to allow private land owners to use hunting as a tool to disperse geese and minimize depredation when the greatest concentration of white geese are present.

- Allow five additional days for falconry-only season in the Balance of State Zone and two additional days of falconry-only season in the Southern San Joaquin Valley Zone

The existing regulations do not use all 105-days available in the stated zones and is intended to provide opportunity to falconers outside of the general hunting season (eliminates conflict with gun season) as discussed between the Department and the California Hawking Club on June 18, 2018. This recommendation maintains a 100-day general duck season length and a traditional Saturday opening day.

## ***POLICY CONSIDERATIONS***

The legislature formulates laws and policies regulating the management of fish and wildlife in California. The general wildlife conservation policy of the State is to encourage the conservation and maintenance of wildlife resources under the jurisdiction and influence of the State (Section 1801, Fish and Game Code). The policy includes several objectives, as follows:

1. To provide for the beneficial use and enjoyment of wildlife by all citizens of the State;
2. To perpetuate all species of wildlife for their intrinsic and ecological values, as well as for their direct benefits to man;
3. To provide for aesthetic, educational, and non-appropriative uses of the various wildlife species;
4. To maintain diversified recreational uses of wildlife, including hunting, as proper uses of certain designated species of wildlife, subject to regulations consistent with public safety, and a quality outdoor experience;
5. To provide for economic contributions to the citizens of the State through the recognition that wildlife is a renewable resource of the land by which economic return can accrue to the citizens of the State, individually and collectively, through regulated management. Such management shall be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resource;
6. To alleviate economic losses or public health and safety problems caused by wildlife; and
7. To maintain sufficient populations of all species of wildlife and the habitat necessary to achieve the above-state objectives.

With respect to migratory game birds, Sections 355 and 356 of the Fish and Game Code provides that the Commission may adopt migratory game bird hunting regulations as long as they are within the federal frameworks.

The Department has concluded that the proposed project will not have a significant adverse effect on the environment. No mitigation measures or alternatives to the proposed project are needed.

## ***POTENTIAL FOR SIGNIFICANT EFFECTS***

Previous reviews of other potential environmental effects were analyzed extensively in previous environmental documents. The analysis of these fifteen factors regarding

migratory game bird hunting were examined in the 2006 Final Environmental Document for Migratory Game Bird Hunting of Waterfowl, Coots, and Moorhens (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811) and certified by the Fish and Game Commission. The modifications proposed are to increase hunter opportunity and reduce depredation of some goose populations that winter in California. The Department concludes that the proposed project and existing hunting regulations will not cause significant adverse effects on the factors analyzed in the 2006 FED and summarized below.

## **EFFECTS OF HABITAT DEGRADATION**

### **Breeding Areas**

The 2006 analysis was presented on page 100 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The primary impacts on breeding waterfowl from agriculture are the cultivation or tillage of nesting cover (Higgins 1977, Kirsch 1969, Milonski 1958). A secondary effect of the agricultural process is the tillage of lands right up to the edges of ponds or other water sources, which effectively eliminates brood rearing habitat. These activities in the prairies are especially prevalent in years of drought where farmers are able to intensively farm all of a wetland basin.

In the primary duck production areas of Canada, there is greater opportunity during drought periods for intensive farming and greater demand for available forage for cattle. Unfortunately, waterfowl must compete for the same resources. Agriculture does not generally impact breeding habitats for the majority of goose populations, because most goose nesting occurs in undeveloped areas of the arctic.

### **Wintering Areas**

The 2006 analysis was presented on page 101 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Wetland habitats in California have been reduced from an estimated five million acres to less than 450,000 acres at present. Most of these wetlands have been converted to agricultural uses, but urban developments have also reduced the wetland acreage in California. In the critically important Central Valley, about 70 percent of the remaining acreage is in private ownership and managed primarily as duck hunting clubs.

Some of the agricultural areas continue to provide habitat of value to waterfowl through the availability of waste grains and the provision of nesting cover. However, certain agricultural activities, such as fall plowing, can reduce food availability for waterfowl.

Habitat conversions by humans have reduced the habitat available for waterfowl. These conversions take place over a period of time, such that substantial habitat losses during the period of the proposed project are not likely to occur and act in a cumulative manner with the hunting of waterfowl, coots and moorhens in California that would result in significant adverse effects to the environment.

## **EFFECTS OF DISEASES, PESTICIDES, AND OTHER CONTAMINANTS**

The 2006 analysis was presented on page 101 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Diseases, pesticides and other contaminants will likely cause the death of waterfowl, coots, moorhens, and common snipe in California. Even though some losses to disease can be in the tens of thousands of individual birds, these losses are small relative to the populations present in the State. Accordingly, the Department concludes that the combination of the proposed project and existing regulations and potential losses to diseases and other contaminants will not result in a significant adverse impact to waterfowl, coot and moorhen populations in California in 2019-20.

## **EFFECTS OF ILLEGAL HARVEST**

The 2006 analysis was presented on pages 110 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The Department currently has a staff of about 430 game wardens stationed throughout the State. The Department analyzed waterfowl-related citations to estimate the extent of waterfowl mortality occurring as a result of illegal take of waterfowl in California. The level of illegal harvest is difficult to determine (USDI 1988a:29–30). In an attempt to model the possible extent of illegal harvest, the Service compared known survival rates of mallards against known hunting mortality (USDI 1988a). Estimated average annual survival rates are 66 percent and estimated hunting mortality is 18 percent (based on recoveries of banded birds), all other forms of mortality would thus equal 16 percent of the population. Since other mortality factors are known to exist (disease, predation, starvation, weather), it would seem that illegal harvest is considerably less than 16 percent and is probably not a significant portion of the annual mortality of mallards (USDI 1988a).

## **EFFECTS OF SUBSISTENCE HARVEST**

The 2006 analysis was presented on page 112 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811).

Native and nonnative peoples living in remote areas of Alaska and Canada are dependent on migratory birds and other wildlife for subsistence. They take birds and eggs during spring and summer for food (USDI 1988a:26). These levels of harvest do not appear to be acting as a cumulative effect in conjunction with current hunting, because in general, the populations of migratory birds that are being monitored continue to increase. In particular, goose populations affected by this project are growing and some are at or near record levels.

## **EFFECTS OF HARVEST OUTSIDE UNITED STATES**

The 2006 analysis was presented on page 113 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The harvest of waterfowl in areas outside of California is easier to quantify than to determine what specific effects it has on California's migratory and resident populations because of mixing of different populations on the winter grounds. Harvest in two areas, Canada, where the majority of California's waterfowl originate, and Mexico, where segments of some populations winter, could act in addition to the harvest in California.

This information identifies the need for migratory game bird management to be conducted on a flyway, multi-flyway, or population basis. The total harvest of waterfowl throughout North America results in a decrease in the number of waterfowl in that year. Issues, such as subsistence harvest in Alaska and Canada and the harvest of birds outside the United States, clearly identify the need for a comprehensive perspective. The establishment of framework regulations by the Service addresses this issue by modifying hunting regulations in response to long-term population fluctuations. The Department concludes that the combination of the increased California harvest from this proposed project and harvest outside the State will not result in significant adverse impacts to migratory bird populations.

## **EFFECTS OF MAJOR DEVELOPMENT PROJECTS**

The 2006 analysis was presented on page 115 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Migratory game bird habitat will continue to be altered in California as the human population increases. However, strong enforcement of State and Federal laws, such as the Clean Water Act, as well as Commission policy of no net loss of wetlands, will help to minimize any adverse effect. Changes in agricultural policies at the national level may also affect the quantities of waste grain available to some species of migratory game birds. Competitive urban needs for water, especially as it relates to rice production, may affect waterfowl food supplies in the future. This will be especially prevalent when drought conditions return.

## **EFFECTS ON LISTED SPECIES**

The 2006 analysis was presented on page 91 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The Department is charged with the responsibility to determine if any hunting regulations will impact threatened and endangered species. It complies with this mandate by consulting internally and with the Commission when establishing migratory game bird regulations to ensure that the implementation of the proposed project and existing hunting regulations do not affect these species. The Department has concluded that, based on conditions of the proposed project and existing hunting regulations, differences in size, coloration, distribution, and habitat use between the listed species and legally harvested migratory game birds, the proposed project will not jeopardize these species.

## **EFFECTS ON MIGRATORY BIRD HABITATS**

### Habitat Protection Effects

The 2006 analysis was presented on page 93 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Waterfowl, coot and moorhen hunting in California provide a positive incentive for private individuals to acquire, develop, and maintain habitat that might otherwise be converted to other uses. Habitat provided by hunters is entirely available at night as a roosting site and is partially available during the day during hunting season (during days when private wetlands are not hunted or on portions of private wetlands that are not hunted). Long-term vegetative changes may occur in areas that are managed specifically for wintering waterfowl foods. This may affect species more dependent upon climax vegetation than waterfowl, coots and moorhens, which favor early successional stages of vegetation.

### Short-term Effects on Habitat

The 2006 analysis was presented on pages 93 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Some short-term impacts of the proposed project, and existing hunting regulations such as vegetative trampling and litter in the form of spent shell casings, occur. These impacts are considered minor, and the effects on vegetation are generally reversed in the next growing season (USDI 1975:205).



## **EFFECTS ON RECREATIONAL OPPORTUNITIES**

The 2006 analysis was presented on page 96 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The implementation of the proposed project and existing regulations will result in the presence of hunters, their vehicles, and their dogs in migratory bird habitats throughout the State. The enjoyment of observing waterfowl by those opposed to hunting may be reduced by some degree by the knowledge or observation of hunters in the field. Because the proposed project and existing regulations occurs for no more than 107 days in largely unpopulated areas of the State, this will not result in significant adverse environmental impacts.

## **EFFECTS OF METHODS OF TAKE AND IMPACTS ON INDIVIDUAL ANIMALS**

The 2006 analysis was presented on page 88 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Section 20.21, subpart C, of Part 20, Title 50, CFR, and Section 507, Title 14, CCR, stipulate the methods of hunting that are allowed by the Service for migratory game birds. The Commission, in concert with Federal law, has authorized the use of shotguns 10-gauge or smaller, muzzle-loading shotguns, falconry, bow and arrow and crossbows, and dogs for retrieval or take. Historically, these methods of take have been used on a variety of migratory game birds throughout North America. In previous regulation-setting processes, both the Service and the Commission have stipulated restrictions on equipment and methods of take which attempt to provide for reasonably efficient and effective taking of waterfowl, coots and moorhens.

## **EFFECTS FROM DROUGHT**

Drought cycles are part of the ecological system in California and waterfowl are well adapted to dealing with low water years e.g., delaying nest initiation, re-nesting capability, and reduced clutch size. Still, multi-year droughts can reduce waterfowl populations on a local scale and a much broader continental scale. Drought conditions impact waterfowl in a variety of ways including: degraded habitat quality which creates poor breeding habitat conditions (McLandress *et al.* 1996), lower food production (both natural and agricultural) which can limit the ability of birds to migrate and breed successfully (McWilliams *et al.* 2004), as well as expose large portions of waterfowl populations to disease. This section summarize potential impacts that drought may have on waterfowl throughout the annual cycle in California.

California is an area of continental importance for waterfowl during various annual life history events (CVJV 2009). Winter is more significant than breeding due to the abundance of waterfowl that migrate here from northern breeding areas (Bellrose 1980). Stresses encountered on wintering areas can have carry over effects during spring migration or the breeding season, which ultimately can limit populations (Klaassen 2002, Inger *et al.* 2008). It is critical that adequate habitat for waterfowl is provided during winter.

### Breeding

Female ducks find a mate on wintering areas and breed where they were hatched because of high natal fidelity (Rowher and Anderson 1988). Critical components to when and where a hen will nest are available brood water and adjacent upland habitat. In dry years females may leave their natal area and migrate to areas with better quality habitat (Johnson and Grier 1988). Females need time in a location to build energy stores such as protein which is typically associated with aquatic invertebrates (Krapu 1974). Egg formation and laying will be delayed until conditions are adequate (Ankney and Alisauskas 1991). Early in the breeding season many species of ducks delay nest-initiation in response to drought. During periods of severe drought many species of waterfowl may not breed at all. If a rapid decline in water levels occurs midway into nesting or during incubation females may desert their nests (Smith, 1971). By not breeding when conditions are poor, birds enhance their survival and their probability of reproducing later when habitat conditions improve (Krapu *et al.* 1983).

Reduced recruitment can occur when ducks travel great distances to find adequate habitat conditions for nesting or re-nesting because energy reserves have been depleted. Reduced recruitment can result from: choosing not to nest, smaller clutch sizes, a lower likelihood of laying a second clutch (Grand and Flint 1991) and later laying date which has been shown to reduce nest success and brood survival in some species (Dzus and Clark 1998). Further, females that migrate out of their natal area may also have a higher mortality rate due to increase susceptibility to predation in unfamiliar areas. Reduced recruitment and adult survival could decrease short-term population levels and if poor habitat conditions persist for subsequent years, reduce long term population levels. An adaptation to drought is in years of good habitat conditions, hens can raise numerous broods giving waterfowl populations the ability to recover quickly (McLandress *et al.* 1996).

Critical breeding areas for ducks in California as identified by the Department's breeding population survey for waterfowl (Figure 3-A) are the Sacramento Valley, San Joaquin Valley Grasslands, Suisun Marsh and high desert region of Northeastern California. Figures are for mallards because they make up the majority of the breeding duck population in California (see Figure D-4). Breeding population numbers in the Central Valley (i.e. Sacramento and San Joaquin valleys) are correlated to precipitation as well as recruitment from previous years (Figure 3-B and C). Breeding mallard populations in northeastern California however, do not follow precipitation trends (Figure 3-D) indicating that other factors may be impacting duck production and breeding population trends in that region. The

statewide breeding population of mallards has remained relatively stable except for northeastern California where the population trends are decreasing. The cause of this decline is unknown but speculated to be the lack of adequate brood water in early spring and the increase in invasive plant species (e.g. *Lepidium sp.*) throughout the area (Dave Mauser, Klamath Basin NWR personal communication).

Another breeding population indicating a decline is Canada geese that nest in northeastern California. Historically, Canada geese nested in this region in larger numbers but have declined considerably (Figure 4). Climate change is speculated (i.e. dry conditions over the long term; NOAA unpublished data) to play a significant role in the decline but no analysis or studies has been conducted (Melanie Weaver CDFW personal communication). The Department will include an analysis of possible climate change impacts as well as a survival analysis from Department leg banding data in an upcoming management plan for this population.

### Molting

During late July, male ducks will typically migrate to a large permanent water marsh to molt while females follow soon after nesting in August. Like nest site fidelity, ducks will molt in the same location as previous years (Yarris *et al.* 1994). One study has indicated that 60 percent of mallards that breed in the Central Valley will migrate 280 miles to northeastern California to molt while 25% molt in marshes in the Central Valley (Yarris *et al.* 1994). Molt is an extremely vulnerable time for ducks because they become completely flightless for 30–40 days. Marsh water levels are critically important during the molting period and must be maintained or birds could be subject to depredation by mammalian and avian predators (Arnold *et al.* 1987).

### Avian botulism

Botulism outbreaks typically occur in marshes with warm water, little flow, high organic load (rotting vegetation) and high amounts of algae (Rocke and Samuel 1999). Botulism is a bacterium that naturally occurs in wetland environments and persists in marshes with histories of outbreaks due to the release of spores into the environment. Ducks are infected by ingesting the bacterium and become paralyzed, eventually dying. Duck carcasses attract flies which lay eggs that produce maggots that in-turn eat the flesh of the carcass and consume botulism spore. Maggots drop into the water and are eaten by ducks in the marsh thereby escalating mortality events (Rocke and Samuel 1999). Outbreaks of avian botulism (Fleskes *et al.* 2010) often coincide with the molt cycle of ducks and the brood rearing stages of late nesting duck species. Many studies have been conducted to better understand the cycle of botulism and inform managers of how to prevent or minimize outbreaks

In California, botulism outbreaks have been reported in every region of the state however, frequency is not well known due to reporting inconsistencies (Figure 5; USGS National Wildlife Health Center personal communication). A robust analysis on this disease data is not possible because of the reporting inconsistencies and the

numerous factors possible that may have caused the outbreaks. In some years die-offs can be quite severe (Figure 5). Botulism outbreaks can kill large numbers of hens, broods and molting ducks (Fleskes *et al.* 2010).

During drought summer water allocation is reduced for managed wetlands in the Central Valley and the Klamath Basin in northeastern California. Decreasing the number of flooded wetlands increases concentrations of waterfowl, thus raising the chance of an outbreak and more birds being affected. Breeding mallards throughout California molt in the Klamath Basin. The Klamath Basin experiences botulism annually, even during normal water years (Figure 5-C). During drought years the potential for a high mortality event is great.

### Wintering Waterfowl

Waterfowl migrate from northern latitudes to California beginning in August. Multiple stopover sites are used during migration to rebuild energy reserves. The Klamath Basin in northeastern California is one of the most important waterfowl stopover sites during fall and spring for waterfowl in the Pacific Flyway (Bellrose 1980). Peak numbers of waterfowl are seen on major wintering areas south of the Klamath Basin by December.

During early January, the Department and the Service conduct the Midwinter Waterfowl Survey. This survey has been conducted since 1953 and has provided managers with midwinter indices of waterfowl species. During midwinter California supports 66 percent of all ducks (excluding mergansers; based on long term average 1955–2014) in the Pacific Flyway, 40 percent of which occur in the Sacramento Valley. Of total waterfowl in the Pacific Flyway (i.e. geese, ducks, swans, coots and cranes), California supports 73 percent, the Sacramento Valley alone supports 43 percent (Olson 2014, Department unpublished data). California waterfowl distribution based on this survey indicates the Sacramento Valley harbors 60 percent of total waterfowl, the San Joaquin has 20 percent, and the Delta, Suisun Marsh, northeastern California combined hold 10 percent of total waterfowl.

### Sensitive wintering populations

Sensitive waterfowl subspecies also occur in California during winter. Tule greater white-fronted geese are monitored by the Department and Service through telemetry and population surveys throughout the winter in the Sacramento Valley, the Delta and northeastern California. This subspecies of white-fronted goose uses permanent marshes early in winter and begins to feed in rice fields during midwinter. The bulk of the Tule population overwinters (November to February) adjacent to and on the Sacramento National Wildlife Refuge Complex. A special management area that has a reduced season length and bag limit has been maintained in the Sacramento Valley for this population compared to the rest of the state. Department staff monitor harvest by actively measuring all greater white-fronted geese at check stations on the Sacramento National Wildlife Refuge Complex.

This population could be negatively impacted by poor body condition caused by limited habitat, particularly reduced rice decomposition flooding.

#### Wintering waterfowl habitat

Since the implementation of the NAWMP (USFWS 1986) and the subsequent initiation of the Central Valley Joint Venture (CVJV 1990), the wetlands of the Central Valley have fluctuated in size and quality (Fleskes *et al.* 2005, CVJV 2009). Wetland acres as of 2006 were estimated to be 205,900. Current wetland acres are being calculated as there have been a number of large easement properties acquired since 2006. The amount of wetland acres as well as the quality have increased since the last update (i.e. moist soil management and infrastructure).

Additionally, since 1996 changes in post-harvest rice straw decomposition have added an estimated 209,000 acres of flooded rice for wintering waterfowl in the Sacramento Valley (Garr 2014). Increased post-harvest flooded rice and increased wetland area is speculated to be the cause for the increasing densities of waterfowl seen in the Sacramento Valley relative to other areas on the midwinter survey (Fleskes and Yee 2005). Recent body condition studies of numerous wintering waterfowl species have improved significantly (Ely and Raveling 1989, Miller 1986, Thomas *et al.* 2008, Skalos *et al.* 2011) particularly within the Sacramento Valley. Numerous duck and goose species have changed their roosting and feeding habits considerably because of the increase in water on the landscape (Fleskes *et al.* 2005). For example, prior to post-harvest flooded rice Pacific greater white-fronted geese traveled an average of 17.5 miles from roost to forage areas. This distance has been reduced to 15 miles (14%) because the proximity of undisturbed roost areas (Ackerman *et al.* 2006). Increased body condition (Skalos *et al.* 2011) combined with undisturbed roost areas (Ackerman *et al.* 2006) has probably been a major contributor to the recovery of Pacific greater white-fronted geese since the record low in the mid 1970's (USFWS 2018b; Pacific greater white-fronted goose population indices). Waterfowl and non-game waterbird species have been known to use flooded agriculture in the Sacramento/San Joaquin Delta region (Shuford 1998) as well as the Tulare Basin in the San Joaquin Valley (Fleskes *et al.* 2013). Reduction of post-harvest agricultural field flooding because of drought in these regions could have a large impact on wintering waterfowl populations because most of the natural marsh habitat has been eliminated (Gilmer *et al.* 1982).

The CVJV has modeled the food resource needs of wintering ducks in California. The CVJV estimated that California currently has an adequate supply of food resources for all waterfowl species during winter. The drought model scenario decreased the total winter flooded wetlands from an estimated 197,200 to 148,000 acres and flooded rice from 305,000 to 135,000 acres in the Central Valley. Flooding rice for decomposition was assumed to be limited and at least 136,000 acres of the dry acreage would be harvested and not deep tilled post-harvest (therefore accessible). In this scenario energy available to ducks would be reduced to below adequate levels by mid-January (CVJV 2014).

Waterfowl can make up energetic shortfalls from limited food resources (Skalos *et al.* 2011) on wintering areas during migration if the adequate food resources are

provided on stopover sites (Bauer *et al.* 2008). If the Central Valley has limited food resources for waterfowl, the CVJV speculates that further stress would be applied to waterfowl populations migrating through the Klamath Basin during spring due to the ongoing water allocation issues in that region (CVJV 2014).

### Avian cholera

Avian cholera (*Pasturella multocida*) is a common winter bacterial infection in waterfowl. This disease agent occurs naturally in waterfowl populations and particular species (e.g. Lesser snow geese, Ross's geese, mute swans) tend to be reservoirs for cholera (Samuel *et al.* 2005, Pedersen *et al.* 2014). Environmental and physiological conditions that stress (e.g. prolonged cold temperatures, wind, precipitation, inadequate food resources and injury) birds tend to influence the expression of this disease. Blanchong *et al.* (2006) found that highly eutrophic water conditions are correlated to cholera abundance in wetlands. These conditions would be promoted in years of drought due to slow flow-through in wetlands. Eutrophic conditions would also be exacerbated by large concentrations of waterfowl defecating in wetlands, agricultural runoff (i.e. cattle and fertilizer) or other upstream sources of nutrients. This study also cited the increased abundance of cholera in wetlands with higher protein concentrations. Increased protein concentrations were correlated with the number of dead bird carcasses found emphasizing the need for monitoring and removal to stem outbreaks.

Figure 6 indicates the frequency and intensity of avian cholera mortality events in California as reported to the USGS Wildlife Health Center. Cholera outbreaks tend to be more common in the Sacramento Valley and northeastern California. This may be from colder temperatures experienced during winter but more likely from the high densities of waterfowl (particularly *Chen sp.*) at the time of the outbreak. Cholera outbreaks have the potential to be very severe; an outbreak in the Salton Sea during 1991 claimed an estimated 155,000 birds.

Concerning sensitive waterfowl populations Greater white-fronted geese (i.e. Tule geese) seem to be resistant to outbreaks of avian cholera (Blanchong 2006).

### Hunter harvest impacts on waterfowl populations

Wintering numbers of mallards are relatively low compared to other wintering species and the population of mallards that breed in the state. The 2018 California midwinter survey indicate 1,486,970 Northern pintail, 602,930 Northern shoveler, 595,890 American wigeon, 508,490 American green-winged teal, compared to 211,400 mallards counted on the survey. Nonetheless, mallards are the most sought after species by hunters by proportion of population (USFWS 2018c).

Currently, little evidence supports hunter harvest having an additive effect on duck population trends (Afton and Anderson 2001). Rather, available breeding habitat (i.e. nesting habitat and brood habitat) is the driving factor behind most duck population changes. Even in absence of hunter or other mortality factors, density dependent factors on breeding areas (available habitat, predator response etc.) drive duck populations (Newton 1994, Clark and Shulter 1999, Viljugrein *et al.*

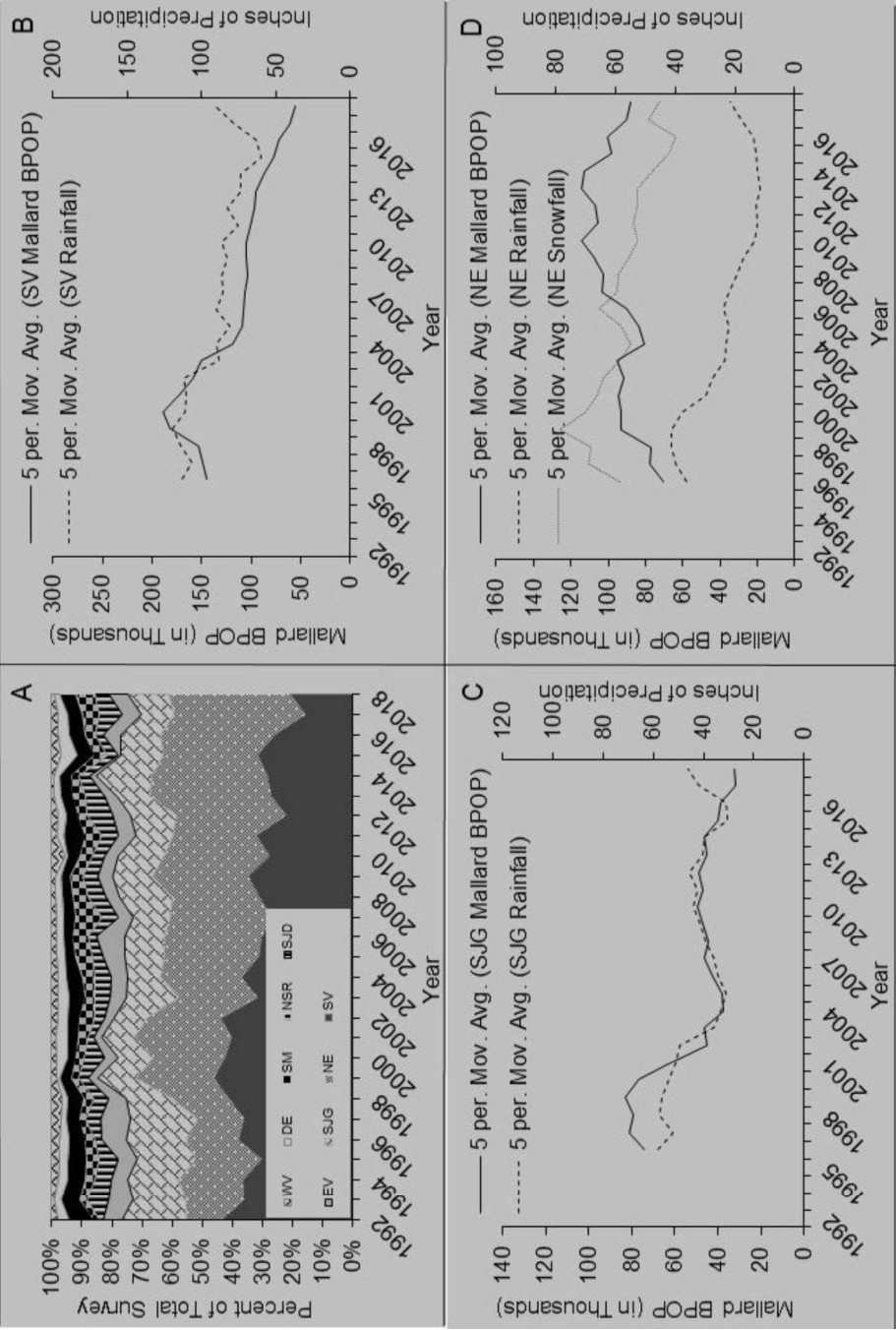
2005). Figure 7 compares hunter harvest in relation to the breeding population of mallards in California. Harvest has very little correlation (Chart A;  $R^2=0.11$ , Chart B;  $R^2=0.25$ , respectively) with subsequent breeding population levels.

A number of goose populations have increased substantially in the Pacific Flyway in recent years, with continued hunting and more liberal season and bag limits. Examples are the Pacific greater white-fronted goose and the Ross's goose. Pacific greater white-fronted geese have increased from 75,000 in 1978 to 650,000 by 2010. Surveys conducted in the 1960's estimated Ross's geese at 10,000 while the current population estimate is 700,000. When goose populations are low they are vulnerable to over exploitation by sport hunting. Ducks can breed successfully at age one while geese will breed at age two to three (refer to "K selection"). In the past, goose populations have been subject to overexploitation by predators (e.g. Aleutian Canada goose; PFC 2006<sup>b</sup>) or overharvest by subsistence or sport hunting (Pacific greater white-fronted goose; Pamplin 1986). Recovery actions have successfully increased these populations.

The Service implemented a general harvest strategy for setting duck framework regulations that regularly occur in California and are sought after by hunters (as explained in the Adaptive Harvest Management Section under Background and Existing Conditions). These harvest management strategies ensure duck populations are healthy over the long-term while providing hunting opportunity consistent with the long-term health. As a participant of the Pacific Flyway Council, the Department reviewed and voted to adopt these management strategies for establishing seasons and bag limits. In addition, the Department participates in the monitoring of various populations, both wintering and breeding. If defined populations goals are not met than bag or season limit reductions are triggered. For example the California Breeding Population Survey is used in the Adaptive Harvest Management strategy that establishes regulatory packages for most duck species for all 11 states in the Pacific Flyway.

The Pacific Flyway is currently working on revising the management plan for Tule white-fronted geese. The plan will incorporate population estimates derived from Department ground surveys, telemetry data and public hunt area harvest from check station measurements. These management actions will ensure that population levels of waterfowl species in California are being monitored and hunter harvest is sustainable over the long term.

Figure 3. Proportion of California breeding population by area (Chart A) and area specific mallard BPS estimates with total rainfall (Charts B-D, mallard on left Y axis in thousands; precipitation on right Y axis in inches), 1992–2018



<sup>1</sup>Total precipitation values derived January to April prior to breeding season using Lincoln, Nicolaus, Stonyford, Bangor, Paradise, Thomas Creek weather stations.  
<sup>2</sup>Total precipitation values derived January to April prior to breeding season using Green Springs and Stockton weather stations.  
<sup>3</sup>Total precipitation values derived January to May prior to breeding season using Cedarville, Doyle, Juniper Creek and Tulalake weather stations.  
<sup>4</sup>Total precipitation values derived January to May prior to breeding season using Adin Mountain, Cedar Pass, Dismal Swamp and Independence SNOTEL stations...



Figure 4. California Department of Fish and Wildlife, Northeastern California Canada Goose Survey 1950–2013.

CAGO traditional survey - pairs

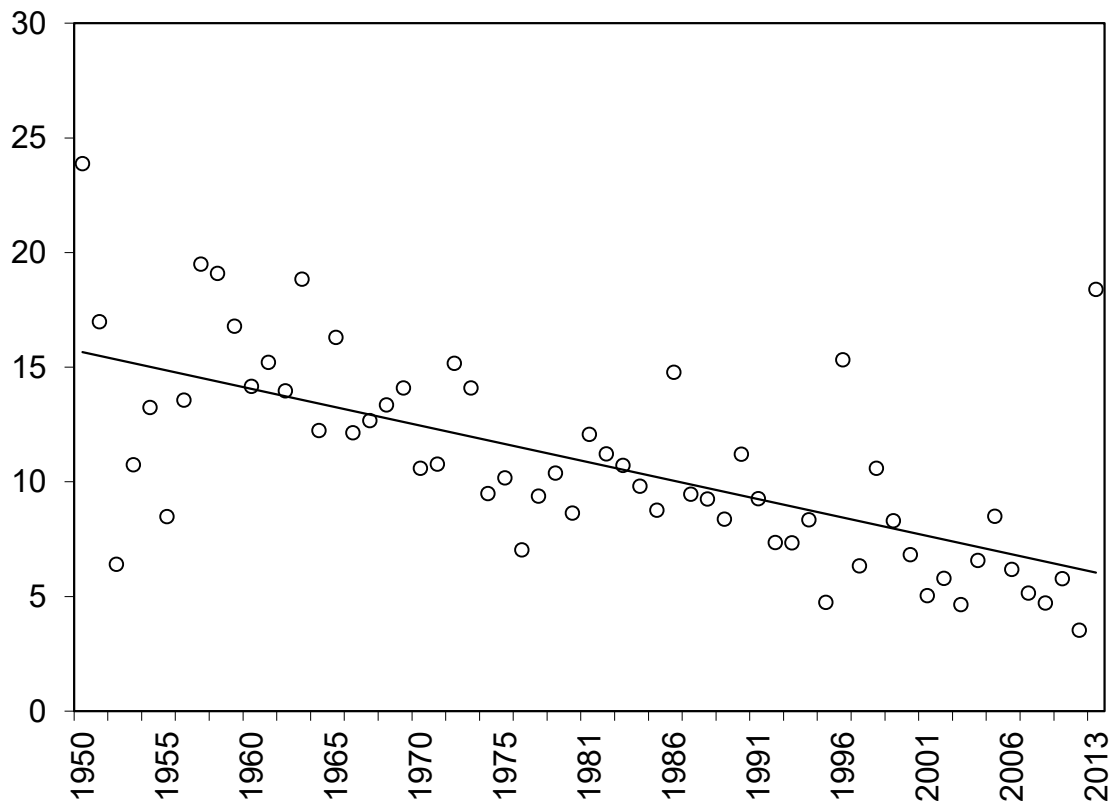


Figure 5. Waterfowl mortality from botulism by area, California 1970–2017.

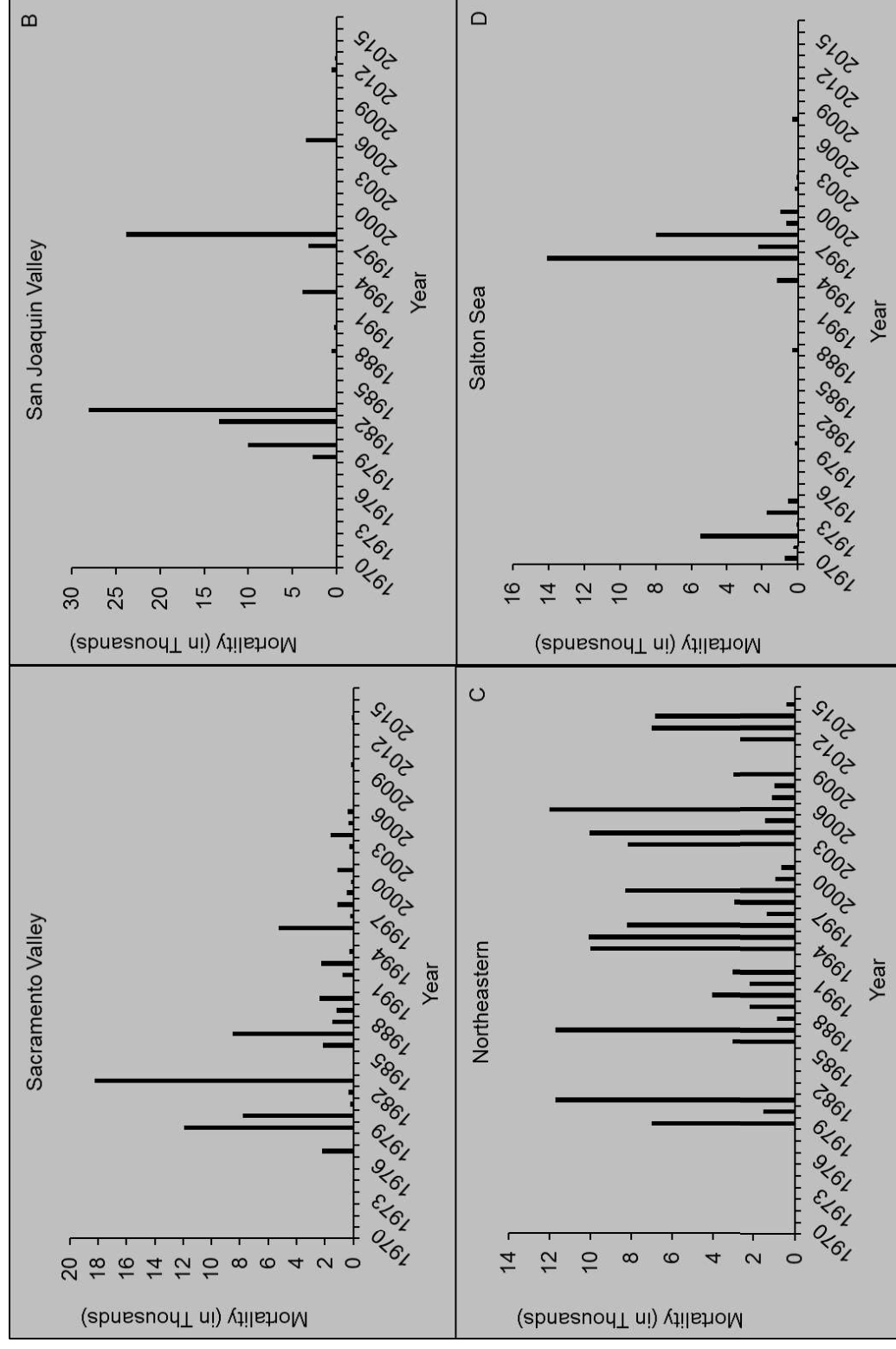


Figure 6. Waterfowl mortality from avian cholera by area, California 1970–2017.

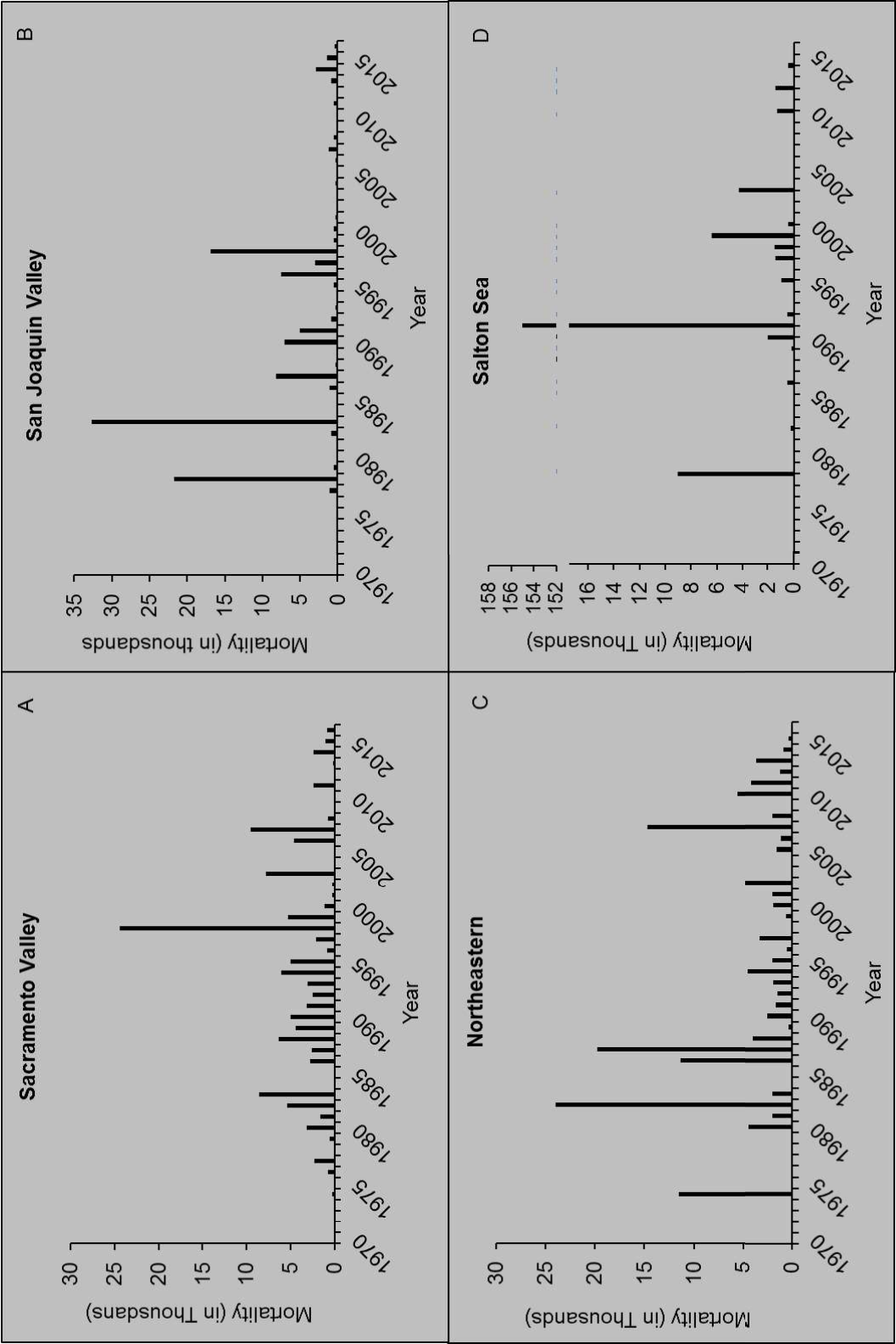
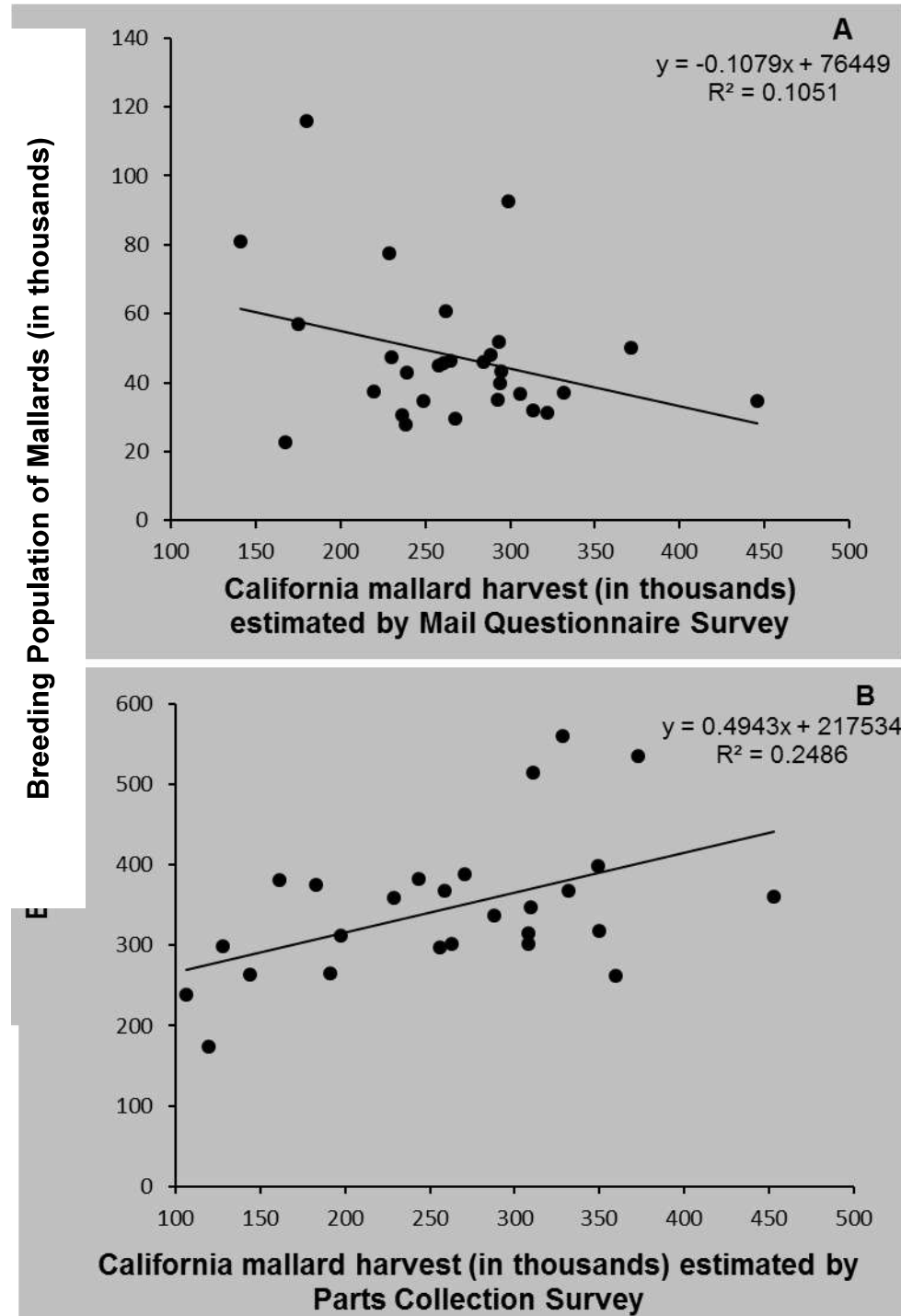


Figure 7. California breeding mallard populations estimates vs hunter harvest: 1960–1990 (Chart A), 1991–2017 (Chart B)



## **CUMMULATIVE IMPACTS**

### **Short-term uses and Long-term Productivity**

The 2006 analysis was presented on page 97 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The proposed project and existing hunting regulations will result in the temporary reduction of waterfowl, coot and moorhen populations and the use of nonrenewable fuels by hunters and the Department in the assessment of migratory game bird populations and the enforcement of the regulations. On the other hand, the Service concluded (USDI 1975:215) that the issuance of annual hunting regulations contributes significantly to the long-term productivity of the migratory game bird resource and their habitats, because hunting is allowed for only a few species of migratory birds for a limited period of time, and the revenues from hunting are important in the acquisition and management of migratory game bird habitats. Therefore, the project and existing regulations actually enhances long-term productivity of migratory game birds and results in no significant adverse impact on long-term productivity.

### **Growth Inducing Impacts**

The 2006 analysis was presented on page 98 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). Because the hunting of migratory game birds is undertaken for a limited period and generally occurs in sparsely populated regions of the State, it is not likely to add to the growth in population in California or result in large-scale developments in any particular city or area. Overall numbers of migratory game bird hunters are declining, and because these numbers are declining, there is not likely to be an additional demand for housing in the specific areas in which hunting will occur. Therefore, the project and existing hunting regulations will not result in significant adverse impacts through growth.

### **Significant Irreversible Environmental Changes**

The 2006 analysis was presented on page 98 (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The proposed project and existing hunting regulations would result in the continued commitment of energy resources by biologists and wardens in data collection, regulation promulgation, and law enforcement, and by hunters traveling to hunting areas. Therefore, the project will not result in significant adverse environmental impacts through irreversible changes.

The 2006 analyses and document referenced (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811) is located and available upon request from California Department of Fish and Game, Wildlife Branch, 1812 9<sup>th</sup> Street, Sacramento, CA 95811.

## **CULTURAL RESOURCES**

The proposed Project would modify current waterfowl hunting regulations for the 2019-20 waterfowl hunting season. The regulations governing the take of migratory game birds in California are selected by the Commission and forwarded to the Service each year. The Federal frameworks specify the range of dates, total number of hunting days, bag limits, shooting hours, and methods of take authorized for migratory game birds, statewide. The proposed Project provides continued opportunity for migratory game bird hunting via season lengths and bag limits. The regulations selected by the Commission must be within the frameworks established by the Service.

The proposed Project is statewide on both public and private lands. Hunting on public lands that have identified Tribal Cultural Resources would have restrictions or mitigation measures in place to prevent harm to Cultural Resources. There is no evidence that suggests the Project (modification or issuance of annual waterfowl hunting regulations) would cause any adverse change in the significance of a Tribal Cultural Resource; cause any change in the significance of an historical or archaeological resource; directly or indirectly destroy a unique paleontological resource site or unique geologic feature; or disturb any human remains. No Tribal Cultural Resources assessments have been conducted because the Project is not expected to impact Tribal Cultural Resources. As a result, the proposed Project would have no impact to Tribal Cultural Resources.

## CHAPTER 3 – ALTERNATIVES

The three California project alternatives evaluated herein are: (1) no project – no change from the 2018-19 hunting regulations; (2) reduced season lengths and bag limits; (3) up to five additional days of general duck and goose hunting; and (4) elimination of all mechanical decoys.

### ***Alternative 1. No project – no change from the 2018-19 hunting regulations***

This alternative provides identical season and bag limit regulations as the 2018-19 seasons. Under this alternative, the addition of Small Canada geese to the “Regular Season” in the Northeastern California Zone, the addition of Small Canada geese to “Season” in the Klamath Basin Special Management Area and opening the late goose season two weeks after the close of the regular season in the Imperial County Special Management Area would not occur.

#### Advantages of This Alternative

Waterfowl regulations are inherently complicated and any changes may result in confusion for some members of the public. Maintaining the 2018-19 regulations for the 2019-20 season may result in less confusion to some members of the public.

#### Disadvantages of This Alternative

The no change alternative is not consistent with federal frameworks, including a reduction in the daily pintail daily bag limit from 2 to 1. In addition, less hunting opportunity and use of hunting as a tool to alleviate goose depredation in the Imperial County Special Management Area would be reduced.

#### Conclusion Regarding Alternative 1

It is unlikely that significant irreversible impacts would occur immediately or statewide as a result of selecting the no change alternative. However, this alternative was not recommended because it conflicts with Federal frameworks.

## ***Alternative 2. Reduced Season Lengths, Season Timing and Bag Limits***

This alternative provides a suite of restrictions that when taken alone or in combination are expected to reduce harvests. This alternative could be selected by the Commission based on changes in Federal frameworks or a conclusion by the Commission that reduced harvests are a better alternative than the project or existing regulations. Under this alternative, for a generalized analysis, the length of each migratory bird season could be reduced by about 50 percent. For ducks, more conservative Adaptive Harvest Management regulatory alternatives (86 or 60 days) could be used. For brant, the 37-day season would be reduced to 19 days and for most other geese the season would be reduced from either 107 or 100 days to 51 days.

The AHM alternatives for the Pacific Flyway include total duck bag limits that range from 4 to 7 with differing restrictions on mallards and hen mallards. Other bag limit reductions considered in this alternative include a reduction from as many as 20 to as few as 1 geese depending on zone; a reduction in brant from two to one; and a reduction in the coot limit from 25 to 12 birds per day. Additionally, species-specific regulations, for pintail, redheads, canvasback or scaup could be further reduced under this alternative.

### **Advantages of This Alternative**

Selection of Alternative 2, reduced season lengths, timing and bag limits, would reduce total harvest, although the magnitude of this reduction is not precisely predictable. This alternative has advantages only if the levels of harvest are suppressing populations. In 2017-18, the estimated retrieved harvest in California was 1,305,600 ducks, 239,000 geese and 10,300 coots. If harvest regulation restrictions cause a larger than expected decline in hunter participation, harvests might be reduced by more than 50 percent. If, as experienced in the 1989-90 season, there is a drop in hunter participation but fall flights are larger or contain higher percentages of juveniles than are expected, harvests would probably not decline by 50 percent. If harvests declined by exactly 50 percent; approximately 652,800 ducks, 119,500 geese, and 5,150 coots would not be harvested in California. If waterfowl, coots and moorhens have access to habitat of sufficient quality and quantity and these populations are being suppressed due to the levels of harvest previously experienced, populations might increase in following years as a result of the selection of this alternative. This alternative would provide recreational opportunity for hunters and meet one of the goals of the Conservation of Wildlife Resources Policy (Fish and Game Code, Section 1801), which is to include hunting as part of maintaining diversified recreational uses of wildlife.

Non-hunting opportunities to view migratory birds would not differ substantially from the proposed project, because while this would increase viewing days on hunting areas,



these areas are a small percent of total waterfowl habitat. Reduction in possible conflicts between non-hunters and hunters would be a likely result of this alternative.

#### Disadvantages of This Alternative

Harvest restrictions for waterfowl, coots and moorhens would probably be a disincentive for many of those private landowners who provide habitat through flooding of seasonal wetlands and agricultural lands during the fall and winter. These habitats form the majority of available wintering habitat for waterfowl and wetland dependent wildlife in California (Heitmeyer et al. 1989). Habitat provided only during the hunting season would be available for a shorter time. For many of these private landowners, the short period of time allowed for hunting may be judged to be not worth the high costs associated with providing water and managing this habitat. This would reduce the amount of habitat available for waterfowl and other wetland dependent wildlife. Overcrowding, and as a result, reduced food resources and increased losses to diseases, would be expected.

#### Conclusion Regarding Alternative 2

Selection of this alternative might lead to a greater decline in participation by hunters. The reductions in the number of days that waterfowl, coots and moorhens could be hunted might not be deemed to be worth the costs of licenses, stamps, travel, and entry fees. A change in season timing is not likely to significantly affect the number of active hunters. A reduction in hunter participation would result in reduced revenues to the Department and the Service which are used to acquire, manage, and maintain vital habitats. If the reduced season length resulted in a lower hunting harvest and hunting mortality was additive to natural mortality, an increase in some populations of waterfowl would be possible. However, the Department concludes that this alternative alone would not result in a significant increase in waterfowl numbers in future years.

#### ***Alternative 3. Allow up to five additional days of general duck and goose seasons in the Southern San Joaquin Valley, Southern California, and Balance of State zones by closing January 31 rather than the last Sunday in January***

This alternative was requested by the public and would replace the Department's recommendation to maintain 100-day general duck and goose season and use the remaining five days for falconry-only. While in the AHM liberal regulation package, a total of 107 days of hunting is allowed for most duck species. Most goose populations that winter in California are at or above population goals which also allows a season length of 107 days (based on harvest strategies described in management plans). The

Southern San Joaquin Valley and Southern California zones use 102 days of hunting for ducks and geese; however, the Balance of State Zone uses all 107 days allowed for goose hunting while only using 102 days for duck hunting.

To estimate the potential increase in duck harvest by allowing five additional days of duck hunting when 107-day seasons are allowed, the Department conducted a regression analysis of harvest (dabbling ducks and mallards) and season length. Harvest data was obtained from the Cooperative Waterfowl Parts Collection Survey (PCS) from 2004 to 2017. The Northeastern Zone harvest data was excluded from the query because of differences in both weather and season dates. Harvest data was arranged by date and the cumulative total harvest by day for each season was calculated. Harvest data was then aggregated to derive a mean and variance for each day and generated a regression equation to predict cumulative harvest by additional hunt day for both total dabbling ducks and mallards.

Total dabbling ducks followed a curvilinear trend ( $R^2 = 0.99$ ; Figure 8). A 5-day increase in season length is predicted to increase total dabbling duck harvest to 1,262,690 (95% CI 1,139,790 – 1,385,696), an additional 72,193 ducks representing a 5.7 percent increase.

Total mallard harvest and season length was best fit by a linear relationship with an  $R^2$  of 0.99 (Figure 9). A 5-day increase in season length is predicted to increase the average daily mallard harvest to 2,083 (95% CI 1,665 – 2,502), similar to the previous analysis presented on page 68 in the 2006 Final Environmental Document (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811). The previous analysis estimated an increase of 2,500 per day (95% CI = 2,200 – 2,800). The slight reduction in the new analysis is a result of the overall decline in mallard harvest over time. A 5-day increase in season length would increase total mallard harvest to 218,734 (95% CI 174,810 – 262,657), an additional 11,916 ducks. This represents a 5.4 percent increase.

Analyses for predicting the increase in goose harvest were not conducted because most wintering goose populations in California are at or above their population goals (Appendix C). Bag limits have been raised considerably during the past 10 years to provide: hunting opportunity commensurate with population status, a tool to minimize depredation on private lands and to reduce population size. Onehundred-day goose seasons were maintained in the Southern San Joaquin Valley and the Southern California zones to mimic duck seasons (minimize regulation complexity) because goose hunting opportunity in those zones is negligible, especially that late in the season. Increasing the goose season length in the Southern San Joaquin Valley and Southern California zones will not affect those goose populations who have season and or bag limit restrictions (Tule greater white-fronted geese in the Sacramento Valley Special Management Area and Large Canada geese in Northeastern California).

Figure 8. California Mean Season Cumulative Dabbling Duck Harvest, 2004–2017

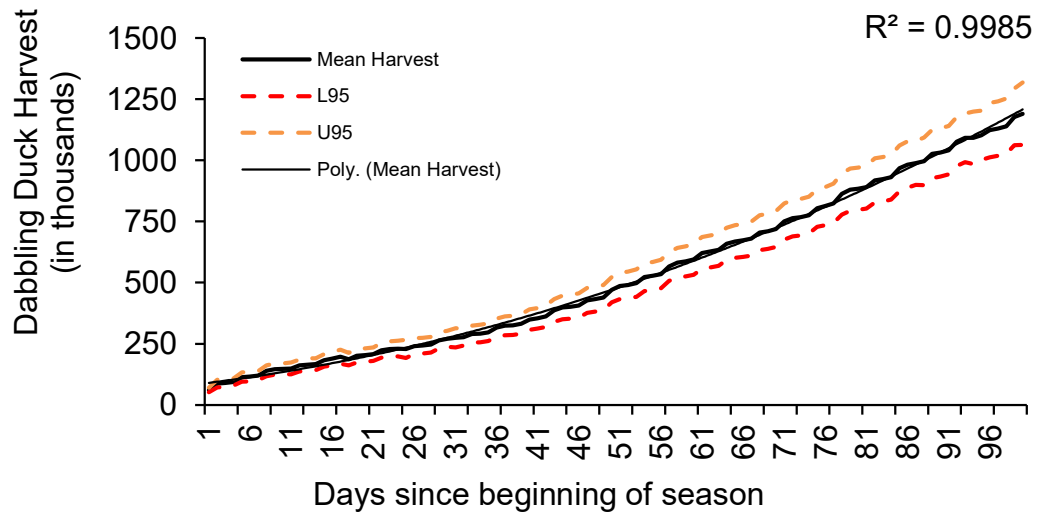
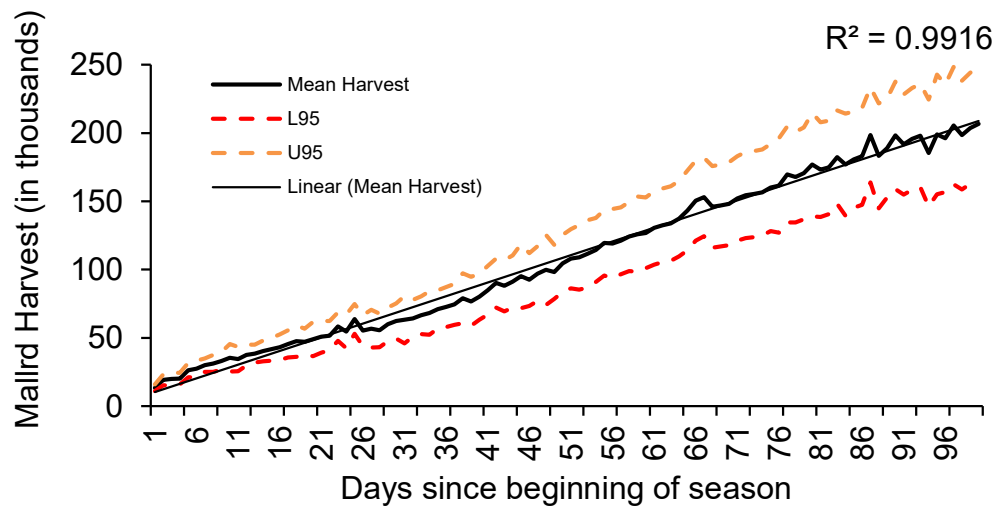


Figure 9. California Mean Season Cumulative Mallard Harvest, 2004–2017



## Advantages of This Alternative

As described in Chapter 3 of the 2006 Final Environmental Document (incorporated by reference, State Clearinghouse Number 2006042115, available at 1812 9<sup>th</sup> Street, Sacramento 95811), all measures of the status and harvest of waterfowl have unmeasured degrees of uncertainty. These uncertainties are inherent due to annual changes in the system (weather, agricultural practices, predation), limitations in monitoring programs (sampling error), and the variable effort and success of hunters. An estimated harvest increase of 5% by selecting 107-day seasons will not likely negatively impact duck populations. Most hunters in California especially those in drier and more southerly portions of the State, feel that hunting opportunity is best late in the hunting season and the later closing date will provide better hunting. Many hunters feel that better hunting serves as an incentive to own and manage wetland habitats for ducks and other wildlife.

## Disadvantages of This Alternative

Using up to five additional days by closing on January 31 rather than on the last Sunday in January has not been fully vetted by the hunting public or local county commissions and communities. Traditionally, most waterfowl opening and closing days occur on the weekend to allow hunting opportunities for hunters who work Monday through Friday and hunt on public hunt areas. In addition, closing January 31 for the 2019-20 season would eliminate the existing and falconry-only seasons as recommended in the Department's proposed project; the extended falconry season would have to be eliminated because the season length would exceed what is allowed under the frameworks. Falconers prefer to have a small number of days dedicated to falconry only to avoid conflicts with the general (gun) seasons. Lastly, closing January 31 while maintaining the traditional Saturday opener for the subsequent seasons requires an annual adjustment to season length for both general and falconry seasons.

For example:

Season	Traditional Saturday Opening Day	Closing Day	General Season Length	Falconry-only Season Length
2019-20	October 19	Friday, January 31	105-days	Zero
2020-21	October 24	Sunday, January 31	100-days	5-days
2021-22	October 23	Monday, January 31	101-days	4-days

Making annual adjustments to season length and closing on a fixed date rather than the last Sunday in January may not be preferred by hunters and considered confusing.

### Conclusion Regarding Alternative 3

The selection of this alternative would not result in a significant adverse environmental impact and would be viewed favorably by those hunters who prefer to use the maximum allowable days. However, selecting this alternative would eliminate the 5-day falconry-only season as requested by the public for the 2019-20 season but allow up to 5-days in subsequent seasons (changes annually). This alternative would be viewed unfavorably by those hunters who prefer an established set of days and closing on the last Sunday of January.

### ***Alternative 4. Elimination of all mechanically- and artificially-powered spinning wing decoys as a method of take.***

The use of mechanical or electronic duck decoys (also known as spinning wing decoys (SWDs), “rotoducks”, “motoducks”, motion wing decoys, etc.) may lead to increases in harvest beyond those anticipated by existing bag limits and season length. Some hunters and other members of the public are opposed to the use of these devices because they believe that the devices exceed the bounds of “fair chase” and eliminate the emphasis on traditional hunting skills needed to successfully hunt ducks, and the advantages detract from the experience and dedication needed to sustain the hunting tradition.

This alternative would eliminate the use of all mechanical and artificially powered spinning wing decoys as a method of take. The Department analyzed several sources of information relative to the possible effects of spinning wing decoys and these analyses are provided in Appendix D.

### Advantages of This Alternative

The evidence seems clear that spinning blade and spinning wing decoys increase harvest at the individual hunt level, and level of observed increases in harvest at the individual hunt level are not reflected in overall estimates of harvest (Appendix E). However, the role of harvest in duck population dynamics is not clearly understood and the effect of reducing harvest success at the individual hunt level may or may not result in observable changes in population parameters. Some members of the hunting public have expressed concerns that continual advances in technology ultimately detract from the traditional hunting experience and potentially may lead to a reduction in the support for waterfowl hunting. This is thought to be due to hunters becoming less dedicated to developing skills and investing in the activity to a level that generates support for conservation and potentially increasing the negative view of hunting by those that are currently not opposed to hunting. As technology continues to improve, debates such as

the one over spinning blade and spinning wing devices would continue. A new debate over each new technological advance would seem likely. Resources would continually be re-directed to assess each new technological advance.

#### Disadvantages of This Alternative

As detailed in Appendix D, existing analyses do not clearly establish an effect of harvest on duck population dynamics. To some unmeasured extent, the use of SWD may influence more hunters to join or remain in hunting, thereby providing support for wetland and waterfowl conservation. Commercial enterprises that develop and market these devices would likely be opposed to their regulation. There is no information regarding other duck attracting devices currently in use and there is no basis to conclude that these devices increase duck harvest. Commercial enterprises exist or may be developed to increase technological improvements for attracting ducks.

#### Conclusions Regarding Alternative 4

The selection of this alternative would not result in a significant adverse environmental impact. As reported in Appendix D, to date, the Department is unable to scientifically associate observed changes in duck population status, except perhaps for certain cohorts of local mallards, with the use of SWDs. The selection of this alternative would be viewed favorably by those hunters and other members of the public who are opposed to the use of non-traditional methods, but would be viewed unfavorably by those hunters who are not opposed to their use. Those commercial enterprises that develop and market these devices would likely be opposed to their regulation.

## **CHAPTER 4 – RESPONSE TO COMMENTS REGARDING THE PROPOSED PROJECT**

In accordance with CEQA, public input and agency consultation were encouraged during the environmental review process. An NOP was provided to the State Clearinghouse, land management agencies having a key role in migratory game bird management, and all individuals and organizations which expressed an interest in migratory game bird management. No comments were received as a result of the NOP circulation.

The Department prepared a DED regarding waterfowl hunting (Section 502, Title 14, CCR). The DED was made available for public review on December 3, 2018 and again on February 5, 2019. In addition, correspondence was either emailed or letters sent to every county library for public posting and notice of the availability of the DED. Additionally, notice of availability of the DED for public review on the Department's website and was provided to the State Clearinghouse, which provided notice of availability to interested organizations, including all county governments in California as well as the Native American Heritage Commission. A formal notice letter proposing the 2018-19 waterfowl hunting regulations dated August 20, 2018, was also sent on behalf of the Department and the Fish and Game Commission to California Tribes, who requested to be notified for CEQA projects. No California Tribes requested consultation.

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**Appendix A. 2018-19 Regulations Related to Migratory Waterfowl, Coot, Moorhen, (Common Gallinule).**

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

(a) Definitions.

(1) Dark geese. Dark geese include Canada geese, cackling geese, Aleutian geese and white-fronted geese ("specklebelly").

(2) Large Canada geese. Large Canada geese include western Canada geese ("honker") and lesser Canada geese ("lessers").

(3) Small Canada geese. Small (about the size of a mallard) Canada geese include cackling geese and Aleutian geese. Both are white-cheeked geese nearly identical in appearance to Large Canada geese. Aleutian geese have a thin white neck ring and Cackling geese have dark breasts. Both species have a high-pitched cackle as opposed to the deeper "honking".

(4) White geese. White geese include Ross' geese, snow geese and blue phase of both species.

(b) Waterfowl Hunting Zones.

(1) Northeastern California Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon state line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street in Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada state line; north along the California-Nevada state line to the junction of the California-Nevada-Oregon state lines west along the California-Oregon state line to the point of origin.

(2) Southern San Joaquin Valley Zone: All of Kings and Tulare counties and that portion of Kern County north of the Southern California Zone.

(3) Southern California Zone: In that portion of southern California (but excluding the Colorado River zone) lying south and east of a line beginning at the mouth of the Santa Maria River at the Pacific Ocean; east along the Santa Maria River to where it crosses Highway 101-166 near the City of Santa Maria; continue north on 101-166; east on Highway 166 to the junction with Highway 99; south on Highway 99 to the junction of Interstate 5; south on Interstate 5 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to where it intersects Highway 178 at Walker Pass; east on Highway 178 to the junction of Highway 395 at



the town of Inyokern; south on Highway 395 to the junction of Highway 58; east on Highway 58 to the junction of Interstate 15; east on Interstate 15 to the junction with Highway 127; north on Highway 127 to the point of intersection with the California-Nevada state line.

(4) Colorado River Zone: In those portions of San Bernardino, Riverside, and Imperial counties lying east of the following lines: Beginning at the intersection of Nevada State Highway 95 with the California-Nevada state line; south along Highway 95 through the junction with Highway 40; continue south on Highway 95 to Vidal Junction; south through the town of Rice to the San Bernardino-Riverside county line on a road known as "Aqueduct Road" also known as Highway 62 in San Bernardino County; southwest on Highway 62 to Desert Center Rice Road; south on Desert Center Rice Road/Highway 177 to the town of Desert Center; continue east 31 miles on Interstate 10 to its intersection with the Wiley Well Road; south on this road to Wiley Well; southeast along the Milpitas Wash Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe Ogilby Road also known as County Highway 34 to its intersection with Ogilby Road; south on this road to Highway 8 ; east seven miles on Highway 8 to its intersection with the Andrade-Algodones Road/Highway 186; south on this paved road to the intersection of the Mexican boundary line at Los Algodones, Mexico.

(5) Balance of State Zone: That portion of the state not included in Northeastern California, Southern California, Colorado River or the Southern San Joaquin Valley zones.

(6) Special Management Areas

(A) North Coast. All of Del Norte and Humboldt counties.

(B) Humboldt Bay South Spit (West Side). Beginning at the intersection of the north boundary of Table Bluff County Park and the South Jetty Road; north along the South Jetty Road to the South Jetty; west along the South Jetty to the mean low water line of the Pacific Ocean; south along the mean low water line to its intersection with the north boundary of the Table Bluff County Park; east along the north boundary of the Table Bluff County Park to the point of origin.

(C) Klamath Basin. Beginning at the intersection of Highway 161 and Highway 97; east on Highway 161 to Hill Road; south on Hill Road to N Dike Road West Side; east on N Dike Road West Side until the junction of the Lost River; north on N Dike Road West Side until the Volcanic Legacy Scenic Byway; east on Volcanic Legacy Scenic Byway until N Dike Road East Side; south on the N Dike Road East Side; continue east on N Dike Road East Side to Highway 111; south on Highway 111/Great Northern Road to Highway 120/Highway 124; west on Highway 120/Highway 124 to Hill Road; south on Hill Road until Lairds Camp Road; west on Lairds Camp Road until Willow Creek; west and south on Willow Creek to Red Rock Road; west on Red Rock Road until Meiss Lake Road/Old State Highway; north on Meiss Lake Road/Old State Highway to Highway 97; north on Highway 97 to the point of origin.

(D) Sacramento Valley. Beginning at the town of Willows; south on Interstate 5 to the junction with Hahn Road; east on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes; north on Highway 45 to its junction with Highway 162; north on Highway 45-162 to the town of Glenn; west on Highway 162 to the point of beginning.

(E) Morro Bay. Beginning at a point where the high tide line intersects the State Park boundary west of Cuesta by the Sea; northeasterly to a point 200 yards offshore of the high tide line at the end of Mitchell Drive in Baywood Park; northeasterly to a point 200 yards offshore of the high tide line west of the Morro Bay State Park Boundary, adjacent to Baywood Park; north to a point 300 yards south of the high tide line at the end of White Point; north along a line 400 yards offshore of the south boundary of the Morro Bay City limit to a point adjacent to Fairbanks Point; northwesterly to the high tide line on the sand spit; southerly along the high tide line of the sand spit to the south end of Morro Bay; easterly along the Park boundary at the high tide line to the beginning point.

(F) Martis Creek Lake. The waters and shoreline of Martis Creek Lake, Placer and Nevada counties.

(G) Northern Brant. Del Norte, Humboldt and Mendocino counties.

(H) Balance of State Brant. That portion of the state not included in the Northern Brant Special Management Area.

(I) Imperial County. Beginning at Highway 86 and the Navy Test Base Road; south on Highway 86 to the town of Westmoreland; continue through the town of Westmoreland to Route S26; east on Route S26 to Highway 115; north on Highway 115 to Weist Rd.; north on Weist Rd. to Flowing Wells Rd.; northeast on Flowing Wells Rd. to the Coachella Canal; northwest on the Coachella Canal to Drop 18; a straight line from Drop 18 to Frink Rd.; south on Frink Rd. to Highway 111; north on Highway 111 to Niland Marina Rd.; southwest on Niland Marina Rd. to the old Imperial County boat ramp and the water line of the Salton Sea; from the water line of the Salton Sea, a straight line across the Salton Sea to the Salinity Control Research Facility and the Navy Test Base Road; southwest on the Navy Test Base Road to the point of beginning.

(c) Seasons and Bag and Possession Limits for American Coots, and Common Moorhens.		
(1) Statewide Provisions.		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
American Coot and Common Moorhen	Concurrent with duck season(s)	Daily bag limit:25, either all of one species or a mixture of these species. Possession limit: triple the daily bag limit.
(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.)		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>

Ducks (including Mergansers)	<p>From the first Saturday in October extending for 105 days.</p> <p>Scaup: from the first Saturday in October extending for a period of 58 days and from the fourth Saturday in December extending for a period of 28 days.</p>	<p>Daily bag limit: 7</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 7 mallards, but not more than 2 females.</li> <li>• 2 pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
Geese	<p>Regular Season:</p> <p>Dark geese from the first Saturday in October extending for 100 days.</p> <p>White geese from the first Saturday in October extending for a period of 58 days and from the first Saturday in January extending for a period of 14 days.</p> <p>Late Season: White-fronted and white geese from February 6 extending for 33 days.</p> <p>During the Late Season, hunting is only permitted on 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,</p>	<p>Daily bag limit: 30</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>

	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.	
(2) Southern San Joaquin Valley 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 third 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: <ul style="list-style-type: none"> <li>• 7 mallards, but not more than 2 females.</li> <li>• 2 pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> Possession limit: triple the daily bag limit.
Geese	From the third Saturday in October extending for 100 days.	Daily bag limit: 30 Daily bag limit may include: <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 10 dark geese (see definitions: 502(a)).</li> </ul> Possession limit: triple the daily bag limit.
(3) Southern California 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 third Saturday in October extending for 100 days.  Scaup: from the first Saturday in November extending for 86	Daily bag limit: 7 Daily bag limit may include: <ul style="list-style-type: none"> <li>• 7 mallards, but not more than 2 females.</li> <li>• 2 pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> </ul>

	days.	<ul style="list-style-type: none"> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
Geese	From the third Saturday in October extending for 100 days.	<p>Daily bag limit: 23</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 3 dark geese</li> </ul> <p>(see definitions: 502(a)).</p> <p>Possession limit: triple the daily bag limit.</p>
(4) Colorado River 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).	<p>From the third Friday in October extending for 101 days.</p> <p>Scaup: from the first Saturday in November extending for 86 days.</p>	<p>Daily bag limit: 7</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 7 mallards, but not more than 2 females or Mexican-like ducks.</li> <li>• 2 pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
Geese	From the third Friday in October extending for 101 days.	<p>Daily bag limit: 24</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 4 dark geese</li> </ul> <p>(see definitions: 502(a)).</p> <p>Possession limit: triple the daily bag limit.</p>
(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 third Saturday in October extending for	<p>Daily bag limit: 7</p> <p>Daily bag limit may include:</p>

	<p>100 days.</p> <p>Scaup: from the first Saturday in November extending for 86 days.</p>	<ul style="list-style-type: none"> <li>• 7 mallards, but not more than 2 females.</li> <li>• 2 pintail (either sex).</li> <li>• 2 canvasback (either sex).</li> <li>• 2 redheads (either sex).</li> <li>• 3 scaup (either sex).</li> </ul> <p>Possession limit: triple the daily bag limit.</p>
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 third 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 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.</p>	<p>Daily bag limit: 30</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> <li>• 20 white geese.</li> <li>• 10 dark geese</li> </ul> <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>

(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 October 31 extending for a period of 89 days (Regular Season) and from February 23 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 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. Klamath Basin	Geese	Large Canada Geese from the first Saturday in October extending for 100 days.  White-fronted and white geese from the first Saturday in October extending for 105 days.	Daily bag limit: 30 Daily bag limit may include: • 20 white geese. • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)).  Possession limit: triple the daily bag limit.	
4. 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.	
5. Morro Bay	All species	Open in designated area only from the opening day of brant season through the remainder of waterfowl season.		

6. Martis Creek Lake	All species	Closed until November 16.		
7. Northern Brant	Black Brant	From November 8 extending for 37 days.	Daily bag limit: 2 Possession limit: triple the daily bag limit.	
8. Balance of State Brant	Black Brant	From November 9 extending for 37 days.	Daily bag limit: 2  Possession limit: triple the daily bag limit.	
9. Imperial County	White Geese	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: 20  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 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</p>	Same as regular season.



	<p>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> <p>5. Balance of State Zone: The Saturday following the closing of waterfowl season extending for 2 days.</p>	
(f) Falconry Take of Ducks (including Mergansers), Geese, American Coots, and Common Moorhens.		
(1) Statewide Provisions		
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Ducks (including Mergansers), Geese, American Coot and Common Moorhen	<p>1. Northeastern California Zone. Open concurrently with duck season through January 13, 2019.</p> <p>2. Balance of State Zone. Open concurrently with duck season and February 2-3, 2019 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 January 28-30, 2019. Goose hunting in this zone by means of falconry is not permitted.</p> <p>4. Southern California Zone. Open concurrently with duck season and January 28-February 1, 2019. EXCEPT in the Imperial County Special</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>

	<p>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 and January 28-31, 2019. 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.</p>	
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## Appendix B. Estimated Retrieved Harvest of Geese in California, 1962–2017.

Year	Canada	White-Front	Snow	Ross <sup>*</sup>	Brant	TOTAL
1962	53,532	50,088	28,826	0	9,433	141,879
1963	99,888	56,694	66,810	0	8,008	231,400
1964	77,920	51,735	55,151	0	3,748	188,554
1965	49,685	42,211	33,771	0	10,735	136,402
1966	72,415	65,321	155,543	1,022	7,155	301,456
1967	8,756	62,819	72,413	533	6,929	151,450
1968	72,935	47,345	53,308	0	8,298	181,886
1969	72,613	68,443	72,545	2,514	10,056	226,171
1970	95,112	70,639	112,614	5,114	393	283,872
1971	74,008	34,216	94,123	3,646	2,524	208,517
1972	148,888	51,813	41,998	0	13,698	256,397
1973	69,701	44,615	106,721	4,398	2,161	227,596
1974	72,166	40,682	50,764	8,464	1,693	173,769
1975	62,002	30,193	81,993	6,968	0	181,156
1976	58,444	44,044	127,678	7,726	515	238,407
1977	42,610	33,572	77,771	3,395	9,700	167,048
1978	46,530	34,719	28,578	2,360	674	112,861
1979	31,373	21,399	26,179	4,419	0	83,370
1980	26,950	18,693	28,459	2,795	0	76,897
1981	52,089	21,781	28,591	6,316	0	108,777
1982	46,418	15,004	26,263	7,298	0	94,983
1983	56,384	16,157	43,223	6,789	3,573	126,126
1984	38,004	6,686	49,609	8,373	0	102,672
1985	40,313	15,157	65,085	8,913	0	129,468
1986	21,999	7,542	31,839	3,477	0	64,857
1987	1,348	9,634	28,601	2,375	0	41,958
1988	26,296	4,707	30,571	884	0	62,458
1989	24,486	9,519	30,263	5,106	566	69,940
1990	32,691	7,003	8,104	2,438	475	50,711
1991	9,474	9,828	25,839	3,253	211	48,605
1992	28,546	11,705	26,407	3,076	1,810	71,544
1993	21,066	12,311	46,461	7,430	2,368	89,636
1994	28,469	12,597	21,847	7,476	2,774	73,163
1995	21,119	11,476	30,679	4,833	328	68,435
1996	25,487	16,530	46,849	12,405	2,639	103,910
1997	23,659	22,448	27,628	8,058	4,029	85,822
1998	23,299	21,984	38,371	6,049	12,097	101,800
1999	14,017	23,925	35,563	23,545	2,639	99,689
2000	25,877	21,184	31,721	6,749	1,800	87,331
2001	30,228	27,080	33,167	13,015	4,100	107,590
2002	37,762	31,497	30,279	15,662	1,100	116,300
2003	41,946	24,685	32,851	16,333	2,300	118,115
2004	44,492	39,924	35,355	10,329	800	130,900
2005	49,182	42,156	46,653	7,729	900	146,620
2006	41,381	52,492	43,296	5,875	2,900	145,944
2007	50,484	59,416	52,038	7,961	1,800	171,699
2008	49,252	110,523	70,946	13,779	1,000	245,500
2009	53,865	56,101	30,693	8,740	900	150,299
2010	68,666	67,810	54,548	14,974	541	206,539
2011	51,870	55,760	43,718	14,635	750	166,733
2012	47,877	41,842	45,261	14,886	1,093	150,959
2013	44,071	65,071	38,747	13,310	952	162,151
2014	52,735	74,976	66,492	18,343	3,080	215,626
2015	40,431	62,484	51,947	12,007	2,238	169,100
2016	41,280	34,885	56,979	6,977	4,786	145,200
2017*	52,876	64,098	91,487	25,107	3,176	239,000
Averages:						
1962-2017	46,339	36,736	50,236	7,283	2,919	143,558
1962-65	70,256	50,182	46,140	0	7,981	174,559
1966-70	64,366	62,913	93,285	1,837	6,566	228,967
1971-75	85,353	40,304	75,120	4,695	4,015	209,487
1976-80	41,181	30,485	57,733	4,139	2,178	135,717
1981-85	46,642	14,957	42,554	7,538	715	112,405
1986-90	21,364	7,681	25,876	2,856	208	57,985
1991-95	21,735	11,583	30,247	5,214	1,498	70,277
1996-00	22,468	21,214	36,026	11,361	4,641	95,710
2001-05	40,722	33,068	35,661	12,614	1,840	123,905
2005-12	52,100	63,465	48,842	10,528	1,256	176,191
2010-14	53,044	61,092	49,753	15,230	1,283	180,402
% Change from:						
2016	28.1%	83.7%	60.6%	259.9%	-33.6%	64.6%
1962-2016	14.1%	74.5%	82.1%	244.7%	8.8%	66.5%
% State's Total Goose Harvest:						
2017	23.4%	28.3%	40.5%	11.1%	1.4%	
1962-2016	32.3%	25.6%	35.0%	5.1%	2.0%	
*Preliminary Data						

## Appendix C. Pacific Flyway Fall and Winter Goose Surveys

Pacific White-fronted Goose abundance indices from breeding pair surveys in Alaska (Yukon-Kuskokwim Delta Coastal Zone Survey and Alaska-Yukon Waterfowl Breeding Population and Habitat Survey) and fall counts in California, 1979–current.

Year	Yukon-Kuskokwim		Bristol Bay	Total	Projected fall population <sup>b</sup>	Fall Survey <sup>a</sup>
	Delta	Interior				
1979						73,100
1980						93,500
1981						116,500
1982						91,700
1983						112,900
1984						100,200
1985	18,914	12,082	5,050	36,046	163,249	93,900
1986	13,400	10,019	4,266	27,685	141,930	107,100
1987	15,717	7,564	3,657	26,938	140,026	130,600
1988	27,191	14,145	3,918	45,254	186,728	124,690
1989	28,004	16,307	5,398	49,709	196,087	263,350
1990	37,836	18,468	2,003	58,307	220,010	237,050
1991	31,286	13,262	4,527	49,075	196,470	215,655
1992	34,671	16,110	7,052	57,833	218,802	230,675
1993	39,748	22,790	1,306	63,844	234,128	253,820
1994	56,513	12,966	4,092	73,571	258,930	298,930
1995	77,710	10,215	2,612	90,537	302,190	251,970
1996	78,032	36,543	4,353	118,928	374,582	350,850
1997	83,215	30,452	3,657	117,324	370,492	318,954
1998	87,881	34,381	1,915	124,177	387,966	413,100
1999	95,040	27,800	3,483	126,323	393,437	285,514
2000	91,911	16,798	1,654	110,363	352,743	284,044
2001	113,603	24,460	6,095	144,158	438,913	337,848
2002	90,407	17,387	5,311	113,105	359,734	402,565
2003	117,951	17,387	2,177	137,515	421,975	424,900
2004	100,622	16,601	1,828	119,051	374,895	337,971
2005	121,017	18,566	6,530	146,113	443,898	508,890
2006	138,067	28,979	4,702	171,748	509,262	426,300
2007	178,515	28,488	2,177	209,180	604,706	476,009
2008	161,979	54,913	1,045	217,937	627,035	602,699
2009	144,678	32,712	5,137	182,527	536,746	457,802
2010	174,556	44,402	7,923	226,881	649,840	783,648
2011	168,925	33,989	6,095	209,009	604,270	646,501
2012	181,519	47,250	3,744	232,513	664,201	831,955
2013	164,399	29,568	5,485	199,452	579,902	No Survey
2014	205,081	16,503	348	221,932	637,221	663,257
2015	140,313	18,468	1,132	159,913	479,085	634,478
2016	206,503	31,042	3,309	240,854	685,469	727,419
2017	216,219	43,616	697	260,532	735,643	743,488
2018	190,586	11,788	1,045	203,419	590,017	
Averages:						
Long Term	106,824	24,001	3,639	134,463	414,194	402,060
3-yr	204,436	28,815	1,664	234,935	670,376	735,454
% Change from:						
Long Term	78.4	-50.9	-71.3	51.3	42.4	-100.0
3-yr	-6.8	-59.1	-37.9	-13.4	-12.0	-100.0
2017	-11.9	-73.0	49.9	-21.9	-19.8	-100.0

<sup>a</sup>Fall surveys were initiated in 1979 and guided management actions until 1996. Management actions after 1996 were based on total indicated birds (AK Total) from the breeding ground survey and a factor derived from the historic relationship between the fall survey and breeding ground survey (1965–1996). Timing of the Fall survey is as follows: 1979–1988 (November) and 1989–2015 (October).

<sup>b</sup>Projected fall population = (Alaska total \* 2.5496) + 71,339.

White Goose (Snow Goose and Ross's Goose) abundance indices from the California Special white goose survey and Skagit-Fraser photo inventory conducted in December, 1979–current, and the Oregon Winter light goose and tundra swan survey, conducted in January, 2016–current.

Year	Skagit-Fraser	Oregon	California	Total
1979	35,600		492,500	528,100
1980	22,400		181,800	204,200
1981	48,600		711,300	759,900
1982	26,100		328,000	354,100
1983	24,500		523,100	547,600
1984	26,600		439,700	466,300
1985	46,200		503,600	549,800
1986	39,900		481,800	521,700
1987	47,700		477,600	525,300
1988	43,800		397,200	441,000
1989	32,200		431,700	463,900
1990	31,700		676,800	708,500
1991	39,100		651,000	690,100
1992	34,300		605,000	639,300
1993	49,100		520,100	569,200
1994	42,600		435,600	478,200
1995	37,000		464,400	501,400
1996	45,800		320,500	366,300
1997	47,000		369,400	416,400
1998	47,100		307,200	354,300
1999	28,600		550,400	579,000
2000	56,300		600,500	656,800
2001	52,000		396,200	448,200
2002	73,100		523,700	596,800
2003	66,800		521,000	587,800
2004	68,141		682,128	750,269
2005	80,040		630,686	710,726
2006	79,891		719,810	799,701
2007	94,859		978,622	1,073,481
2008	57,000		900,403	957,403
2009	73,964		827,055	901,019
2010	63,541		800,156	863,797
2011	69,964		1,027,887	1,097,851
2012	56,973		824,432	881,405
2013	75,313		1,275,890	1,351,203
2014	58,007		1,141,579	1,199,586
2015 <sup>1</sup>	66,501	19,866		
2016	103,617	29,678	1,773,493	1,906,788
Averages:				
Long Term	52,421	24,772	634,925	687,768
3-yr	76,042	24,772	1,396,987	1,485,859
% Change from:				
Long Term	103.0	49.4	194.0	191.6
3-yr	36.3	19.8	27.0	28.3
2015	55.8	49.4	55.4	59.0

<sup>1</sup>The California Special White Goose Survey was not conducted.

Aleutian Canada Goose abundance indices from direct count and mark-resight methods, 1975–current.

Year	Estimate	SE	L95% C.I.	U95% C.I.	Method
1975	790				Direct count
1976	900				Direct count
1977	1,280				Direct count
1978	1,500				Direct count
1979	1,590				Direct count
1980	1,740				Direct count
1981	2,000				Direct count
1982	2,700				Direct count
1983	3,500				Direct count
1984	3,800				Direct count
1985	4,200				Direct count
1986	4,300				Direct count
1987	5,000				Direct count
1988	5,400				Direct count
1989	5,800				Direct count
1990	6,300				Direct count
1991	7,000				Direct count
1992	7,680				Direct count
1993	11,680				Direct count
1994	15,700				Direct count
1995	19,150				Direct count
1996 <sup>a</sup>	21,420				Direct count
1997 <sup>a</sup>	22,800				Direct count
1998 <sup>a</sup>	27,600				Direct count
1999 <sup>a</sup>	15,451	558	14,357	16,544	Mark-resight
2000 <sup>a</sup>	20,392	763	18,898	21,887	Mark-resight
2001 <sup>a</sup>	32,440	1,070	30,343	34,536	Mark-resight
1999	35,336	3,120	29,220	41,452	Mark-resight
2000	34,182	1,339	31,557	36,806	Mark-resight
2001	88,292	18,736	51,570	125,014	Mark-resight
2002	65,211	12,822	39,963	90,459	Mark-resight
2003	73,030	2,761	67,618	78,441	Mark-resight
2004	111,091	4,375	102,517	119,666	Mark-resight
2005	87,841	4,841	78,353	97,329	Mark-resight
2006	97,224	4,524	88,358	106,091	Mark-resight
2007	117,347	9,797	98,144	136,550	Mark-resight
2008	116,119	7,438	101,539	130,698	Mark-resight
2009	81,766	13,347	55,605	107,926	Mark-resight
2010	106,691	8,966	89,078	124,305	Mark-resight
2011	105,271	8,405	88,797	121,745	Mark-resight
2012	135,915	10,925	114,501	157,328	Mark-resight
2013	166,292	15,857	135,213	197,371	Mark-resight
2014	149,968	13,087	124,318	175,618	Mark-resight
2015	197,725	17,822	162,794	232,656	Mark-resight
2016	154,659	13,368	128,459	180,860	Mark-resight
2017	168,548	20,345	128,671	208,424	Mark-resight
2018	171,334	16,229	139,526	203,142	Mark-resight
Averages:					
Long Term	53,531	9,153	83,452	119,341	
3-yr	164,847	16,647	132,219	197,475	
% Change from:					
Long Term	236.1	83.8	72.5	75.8	
3-yr	3.9	-2.5	5.5	2.9	
2017	1.7	-20.2	8.4	-2.5	

<sup>a</sup>Methods overlapped by three years.





Pacific Brant population indices from the Mid-winter Waterfowl Survey, 1936–current. The table continues on the next page and includes long-term summary statistics.

Year	U.S. and Canada						Mexico <sup>b</sup>			MWS Index		Izembek Index	
	Ak <sup>a</sup>	BC <sup>a</sup>	WA	OR	CA	Subtotal <sup>a</sup>	Baja	Mainland	Subtotal	Annual <sup>c</sup>	3-yr Avg <sup>c</sup>	Annual <sup>d</sup>	% Juv <sup>e</sup>
1936			8,202	3,085	19,910	31,197							
1937			13,450	5,935	13,460	32,845							
1938			24,560	10,475	38,200	73,235							
1939			25,595	9,502	16,890	51,987							
1940			35,520	5,350	35,050	75,920							
1941			24,100	5,000	31,785	60,885							
1942			53,950	6,850	28,983	89,783							
1943			37,000	575	18,000	55,575							
1944			33,950	7,250	20,250	61,450							
1945			32,650	3,000	30,100	65,750							
1946			25,462	55	60,452	85,969							
1947			20,250	8,200	39,640	68,090							
1948			20,660	2,850	32,750	56,260							
1949			20,650	803	66,515	87,968							
1950			15,574	3,600	57,792	76,966							
1951			21,639	2,110	48,131	71,880	93,200	0	93,200				
1952			16,578	3,200	43,840	63,618	102,945	0	102,945				
1953			27,473	1,509	37,557	66,539	87,905	0	87,905				
1954			15,376	1,560	28,750	45,686	86,316	0	86,316				
1955			21,915	1,686	34,070	57,671	76,679	0	76,679				
1956			15,914	2,073	38,510	56,497	52,743	0	52,743				
1957			20,701	1,493	35,848	58,042	73,380	0	73,380				
1958			25,219	2,778	26,560	54,557	71,305	4	71,309				
1959			10,815	1,121	10,750	22,686	71,305	1,400	72,705				
1960			17,614	652	3,771	22,037	113,087	1,115	114,202	136,239	--		
1961			16,675	1,330	6,853	24,858	138,625	4,355	142,980	167,838	--		
1962			25,815	2,266	23,510	51,591	116,245	2,400	118,645	170,236	158,104		
1963			20,400	2,639	2,388	25,427	101,575	13,240	114,815	140,242	159,439		
1964			34,169	2,000	8,353	44,522	117,470	23,290	140,760	185,282	165,253		24.0
1965			19,938	1,325	3,372	24,635	117,350	24,915	142,265	166,900	164,141		27.7
1966			22,175	798	3,284	26,257	115,601	19,505	135,106	161,363	171,182		22.5
1967			21,235	1,523	3,824	26,582	111,755	41,315	153,070	179,652	169,305		45.4
1968			15,746	865	1,729	18,340	111,600	24,400	136,000	154,340	165,118		18.8
1969			10,063	382	166	10,611	97,400	35,075	132,475	143,086	159,026		18.9
1970			8,916	963	207	10,086	98,200	33,400	131,600	141,686	146,371		30.5
1971			10,915	1,374	130	12,419	105,800	31,000	136,800	149,219	144,664		40.0
1972			4,328	1,047	0	5,375	91,200	28,200	119,400	124,775	138,560		37.5
1973			5,911	2,544	950	9,405	85,500	30,100	115,600	125,005	133,000		39.8
1974			4,977	1,904	470	7,351	96,900	26,400	123,300	130,651	126,810		34.9
1975			6,163	1,507	480	8,150	80,825	34,455	115,280	123,430	126,362		5.0
1976			7,540	1,769	680	9,989	82,783	29,273	112,056	122,045	125,375		40.1
1977			14,111	2,100	0	16,211	86,534	44,222	130,756	146,967	130,814	107,784	38.9
1978			18,100	1,110	560	19,770	106,469	36,648	143,117	162,887	143,966	116,298	34.1
1979			8,079	1,255	10	9,343	87,660	32,210	120,070	129,413	146,422		16.5
1980			7,665	1,015	135	8,815	89,690	47,860	137,550	146,365	146,222	128,204	18.1
1981	3,271		10,107	1,790	540	15,708	160,560	21,200	181,760	197,468	157,749	127,667	31.6
1982			6,451	706	485	7,642	85,105	28,297	113,402	121,044	154,959	180,734	31.0
1983			3,113	718	565	4,396	81,761	23,157	104,918	109,314	142,609	146,945	14.2
1984	1,611		7,097	930	700	10,338	95,170	29,533	124,703	135,041	121,800	147,933	32.9
1985		283	11,793	641	800	13,517	101,405	30,163	131,568	145,085	129,813	120,122	18.3

<sup>a</sup>In British Columbia, totals for 1984–1991 are Christmas Bird Counts, and from 1992–on are from Canadian Wildlife Service counts.

<sup>b</sup>Incomplete survey in Mexico during 1951–1959.

<sup>c</sup>Includes Western High Arctic brant. 3-year average considers most recent 3 years of annual counts.

<sup>d</sup>Izembek index from fall before Mid-winter Waterfowl Survey, includes Western High Arctic brant, and was updated Fall 2016 after extensive review. Percent Juvenile from NWR ground surveys.

<sup>e</sup>The historical Alaska MWS index was recalculated in 2015, following the recommendation by Wilson and Dau 2015.



Pacific Brant population index, continued.

Year	U.S. and Canada						Mexico <sup>b</sup>			MWS Index		Izembek Index	
	Ak <sup>f</sup>	BC <sup>g</sup>	WA	OR	CA	Subtotal <sup>h</sup>	Baja	Mainland	Subtotal	Annual <sup>i</sup>	3-yr Avg <sup>j</sup>	Annual <sup>d</sup>	% Juv <sup>d</sup>
1986	5,338	319	12,026	1,113	706	19,502	92,525	22,200	114,725	134,227	134,227	122,673	21.4
1987	7,550	205	14,371	1,133	736	23,995	73,825	13,088	86,913	110,908	122,588	116,131	23.2
1988	6,180	263	19,831	1,104	947	28,325	99,066	17,630	116,696	145,021	130,052	136,765	47.4
1989	6,918	484	18,538	871	1,033	27,844	89,600	18,121	107,721	135,565	130,498	123,822	24.4
1990	5,303	406	13,756	1,399	992	21,856	107,545	22,320	129,865	151,721	144,102	135,041	27.4
1991	4,742	591	16,221	1,262	1,340	24,156	88,650	19,905	108,555	132,711	139,999	123,551	22.3
1992	7,043	283	13,505	1,397	2,424	24,652	78,280	14,905	93,185	117,837	134,090	128,784	29.9
1993	8,369	180	13,058	1,254	9,415	32,276	68,280	24,444	92,724	125,000	125,183	119,531	19.6
1994	12,125	382	13,595	666	2,299	29,087	83,130	17,135	100,265	129,332	124,056	143,768	28.2
1995	11,381	363	20,231	708	3,987	36,670	74,060	22,755	96,815	133,485	126,414	142,701	17.0
1996	10,278	634	6,941	644	2,008	20,505	87,280	20,205	107,485	127,990	128,952	150,946	39.7
1997	10,049	500	9,753	669	3,598	24,569	108,018	22,720	130,738	155,307	138,927	118,188	26.8
1998	8,562	619	10,881	580	6,091	26,733	97,805	14,300	112,105	138,838	140,712	130,252	20.9
1999	10,354	985	15,252	645	4,296	31,532	84,965	15,795	100,760	132,292	142,146	116,512	30.7
2000	8,120	1,238	13,859	523	3,389	27,129	92,020	16,420	108,440	135,569	135,566	131,134	23.4
2001	17,790	1,254	10,197	695	4,197	34,133	78,850	13,010	91,860	125,993	131,285	151,216	31.8
2002	13,576	1,483	13,478	552	4,092	33,181	93,995	11,055	105,050	138,231	133,264	112,554	10.0
2003	7,677	1,103	11,455	557	3,124	23,916	74,132	8,094	82,226	106,142	123,455	115,839	23.6
2004	12,756	2,117	14,544	528	6,372	36,317	71,885	13,270	85,155	121,272	121,882	135,944	13.2
2005	12,041	1,020	14,286	609	5,224	33,180	59,960	14,068	74,028	107,208	111,541	134,474	19.5
2006	15,404	1,792	16,305	649	5,069	39,219	87,483	14,254	101,737	140,956	123,145	152,712	37.0
2007	28,533	2,078	12,712	702	7,387	51,412	65,250	13,932	79,182	130,594	126,253	124,189	24.3
2008	27,422	1,264	19,775	702	4,827	53,658	83,856	19,443	103,299	156,957	142,836	140,897	27.6
2009	21,482	2,574	29,243	823	6,392	60,514	no survey conducted <sup>h</sup>			—	142,836	130,294	18.5
2010	28,234	2,699	23,908	no survey	13,553	68,394	71,688	23,389	95,077	163,471	150,341	144,594	30.5
2011	42,937	2,414	21,457	no survey	15,610	82,418	61,153	18,897	80,050	162,468	160,965	130,091	20.7
2012	44,252	1,229	17,502	687	2,227	65,897	101,571	9,873	111,444	177,341	167,760	126,028	24.5
2013	41,821	2,204	16,454	200	7,448	68,127	71,607	23,566	95,173	163,300	167,703	154,481	14.2
2014	48,140	2,104	17,485	511	7,916	76,156	68,290	28,869	97,159	173,315	171,319	157,781	16.8
2015	50,316	1,836	10,706	498	4,908	68,050	44,533	23,899	68,432	136,482	157,899	171,835	16.8
2016	46,772	3,364	11,811	583	5,105	67,635	55,066	17,324	72,390	140,025	149,941	160,984	17.2
2017	44,899	3,677	15,878	405	8,765	73,624	67,386	14,710	82,096	155,720	151,386	203,735	19.1
2018	46,067	2,796	10,905	355	2,466	62,589	46,924	14,038	60,962	123,551	139,765		
Averages:													
Long Term	19,352	1,310	16,942	1,826	12,478	39,900	88,369	18,817	107,186	142,145	142,069	136,573	26
3-yr	45,913	3,279	12,865	448	5,445	67,949	56,459	15,357	71,816	139,765	147,031	178,785	18
% Change from:													
Long Term	148.1	121.0	-35.9	-80.8	-80.4	58.0	-47.3	-25.7	-43.5	-13.3	-1.6	51.1	-26.1
3-yr	0.3	-14.7	-15.2	-20.7	-54.7	-7.9	-16.9	-8.6	-15.1	-11.6	-4.9	14.0	8.3
2016	2.6	-24.0	-31.3	-12.3	-71.9	-15.0	-30.4	-4.6	-25.7	-20.7	-7.7	26.6	11.0
Objectives:	9,000	8,000	25,000	3,000	10,000	55,000			107,000		162,000		

<sup>a</sup>In British Columbia, totals for 1984-1991 are Christmas Bird Counts, and from 1992-on are from Canadian Wildlife Service counts.

<sup>b</sup>Aerial surveys were not flown (2009, 2011-2012, 2014-2015) in Mexico due to pilot safety concerns. Instead, ground-counts conducted by Palacios and Avila (including 2013).

<sup>c</sup>Includes Western High Arctic brant. 3-year average considers most recent 3 years of annual counts.

<sup>d</sup>Izembek Index from fall before Mid-winter Waterfowl Survey, includes Western High Arctic brant, and was updated Fall 2016 after extensive review. Percent Juvenile from NWR ground surveys.

<sup>e</sup>No survey conducted due to pilot survey concerns.

<sup>f</sup>The historical Alaska MWS Index was recalculated in 2015, following the recommendation by Wilson and Dau 2015.

Snow Goose population and productivity indices from Wrangel Island, Russia, 1966–current.

Year	Population			Total spring	Nesting			Brood Size		Colony Size (ha)
	Adults	Breeding adults	% Juvenile		Nests	% Successful	Clutch Size	At Nesting colony	At brood rearing area	
1966							3.6			
1967							4.9			
1968										
1969		114,000			58,200		3.7			1,962
1970	120,000	120,000	20.0	150,000	60,000	96.0	3.7	3.5	2.5	2,600
1971	120,000	24,000	9.1	132,000	12,000	55.0	4.7	3.4	2.3	825
1972	106,000	36,000	0.6	107,000	18,000	45.0	4.2	3.5	2.3	950
1973	85,900	12,000	0.0	86,000	6,000	67.0	6.0	3.9		200
1974	69,500	32,000	0.7	70,000	15,000	0.0	4.7			800
1975	56,000	56,000	0.0	56,000	28,000	74.4	3.8	3.4	2.4	
1976	46,000	46,000	20.7	58,000	23,000	79.0	3.7	3.2	2.8	1,840
1977	57,200	10,000	16.1	68,200	5,000	76.8	5.0	3.7		400
1978	64,900	42,000	0.8	65,400	21,000	80.0	4.2	3.7	2.4	2,200
1979	62,100	60,000	26.5	84,500	30,000	90.0	3.8	3.6		1,860
1980	80,300	20,000	11.5	90,700	10,000	70.0	5.4	3.3		315
1981	86,200	78,000	3.2	89,000	39,000	95.0	4.0	3.7	3.1	2,118
1982	81,000	28,000	18.5	100,000	14,000	65.0	4.1	3.2	2.8	688
1983	92,800	3,400	2.4	95,000	1,700	5.9	4.8			125
1984	85,000	42,000	0.0	85,000	21,000	83.3	3.7	3.2	2.1	1,500
1985	80,000	50,000	5.4	85,000	25,000	87.7	3.7	3.2	2.4	1,457
1986	70,000	58,000	20.4	90,000	29,000	90.0	3.9	3.6	3.2	2,100
1987	85,000	47,000	15.0	100,000	23,500	80.0	3.7	3.4	2.8	1,900
1988	80,000	13,000	17.7	80,000	6,500	51.0	5.2	3.4	2.7	675
1989	70,000	60,000	1.4	70,000	30,000	60.0	3.8	3.3		1,025
1990	60,000	53,000	0.0	60,000	26,500	49.2	3.8	3.2	2.2	940
1991	56,000	41,600	6.6	60,000	20,800	82.0	4.1	3.4	2.7	888
1992	56,000	46,200	20.0	70,000	23,100	70.1	4.0	3.5	3.5	742
1993	64,500	52,200	0.8	65,000	26,100	85.1	3.9	3.2		910
1994	52,500	30,000	25.0	70,000	15,000	13.0	2.8	2.1		1,000
1995	64,000	8,800	0.8	65,000	4,400	50.0	4.7	2.8		430
1996	75,000	75,400	0.0	75,000	37,700	75.4		3.7	2.4	740
1997	70,000	55,200	15.0	85,000	22,600	71.2	4.0	3.5		628
1998	80,000	31,800	10.0	90,000	15,900	66.0	4.6	3.5		750
1999	85,000	20,800	5.6	90,000	10,400	75.0	4.7	3.3		278
2000	87,400	49,600	8.0	95,000	24,800	87.8	3.5	3.2	2.8	738
2001	92,400	48,000	12.0	105,000	24,000	87.0	3.6	3.2	2.3	900
2002		60,600		110,000	30,300	81.5	4.0	3.5	3.0	855
2003		55,000		115,000	27,500	77.5			2.2	900
2004	111,700	56,800	4.9	117,500	28,400	75.0	3.6	3.2		838
2005		95,800		117,500	47,900	82.3	4.2	3.7		900
2006	100,800	93,200	23.9	132,500	46,600	87.7	4.0	3.7	3.2	875
2007		79,000		140,000	39,500	84.4	4.0	3.5	3.1	1,100
2008		20,000		140,000	10,000	35.0				
2009		108,800		132,500	54,400	79.5	4.1	3.6		
2010		10,000		150,000	5,000					
2011		144,000	5.0	155,000	72,000	81.0	4.2	3.7		
2012 <sup>a</sup>										
2013				160,000	78,300	75.8	3.7	3.2	2.7	1,063
2014 <sup>a</sup>										
2015	228,500	215,600	4.8	240,000	107,800	89.1	4.0	3.7		2,680
2016	251,000	236,000	20.0	300,000	118,000	89.5	3.9	3.7		3,240
Averages:										
Long Term	87,019	58,640	9.5	104,484	30,280	70.5	4.1	3.4	2.7	1,145
3-yr	193,433	198,533	9.9	233,333	101,367	84.8	3.9	3.5	3.0	2,328
% Change from:										
Long Term	204.9	332.2	116.6	199.9	316.5	27.8	-5.7	8.8	-	196.6
3-yr	70.7	91.6	78.0	62.2	37.2	9.2	-1.5	4.3	-	73.1
2015	9.8	9.5	316.7	25.0	9.5	0.4	-2.5	0.0	-	20.9

<sup>a</sup>Data were not gathered in 2012 or 2014.

## Appendix D. Possible Effects of Spinning Wing Decoys in California

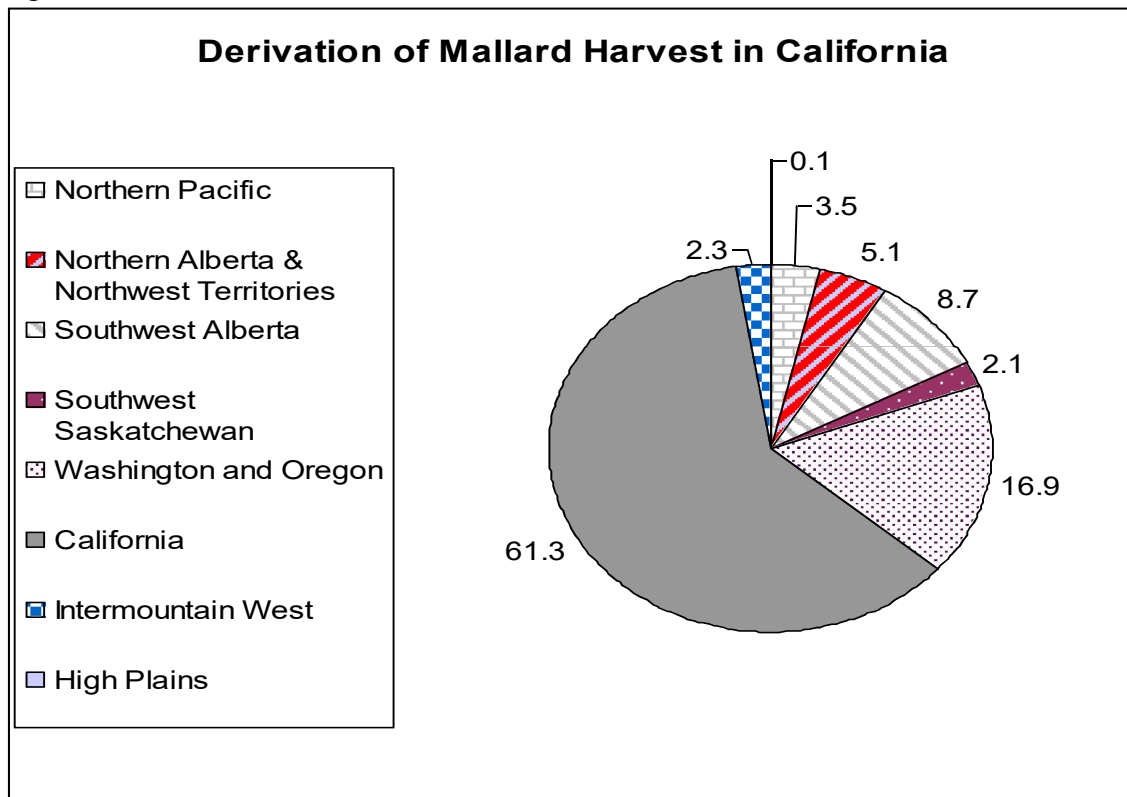
### Introduction

The use of mechanical or electronic duck decoys (also known as spinning wing decoys (SWDs), “rotoducks”, “motoducks”, motion wing decoys, etc.) may lead to increases in harvest beyond those anticipated by existing bag limits and season length. Some hunters and other members of the public are opposed to the use of these devices because they believe that the devices may lead to excessive harvest or exceed the bounds of “fair chase” and eliminate the emphasis on traditional hunting methods.

The Department examined the results of studies, existing monitoring programs, and initiated additional analyses to assess the potential effects of SWDs on the harvest of ducks. Monitoring programs (i.e. estimates of breeding populations, total harvests) are not designed to measure the effectiveness of a single harvest method, such as a SWD.

These analyses mostly focus on mallards because mallards are the most abundant breeding duck in the State, are the most frequently occurring duck species in the harvest (Appendix E) and, unlike other species of ducks, are mostly derived from within California (62%; J. Dubovsky, USFWS, unpub data, Figure D-1).

Figure D-1. Derivation of Mallard Harvest in California.



### Department Surveys on the Use and Effectiveness of SWDs

The widespread use of SWDs in California began in 1998. The Department compared the daily harvest of hunters on public hunting areas who said they used SWDs to those that said they did not during the 1999-00 to 2001-02 seasons.

Hunters were sampled on five public hunting areas (Delevan National Wildlife Refuge, Upper Butte Basin Wildlife Area, Grizzly Island Wildlife Area, Los Banos Wildlife Area, and Mendota Wildlife Area) on 10 randomly-selected dates during the 1999-00 hunting season and again on five areas (Sacramento National Wildlife Refuge, Upper Butte Basin Wildlife Area, Grizzly Island Wildlife Area, Los Banos Wildlife Area, and Mendota Wildlife Area) on 14 random days during the 2000-01 hunting season. During the 2001-02 hunting season, sampling occurred on 10 days picked at random on the Delevan National Wildlife Refuge, Upper Butte Basin Wildlife Area, Grizzly Island Wildlife Area, Los Banos Wildlife Area, and Mendota Wildlife Area.

The results from nearly 23,000 hunter-days from the three year survey are summarized in Table D-1. Use of SWDs generally increased in the second year of study, especially in the Sacramento Valley, but use declined on some areas during the third year of study on some areas. SWD use varied from 16 to 59 percent of hunters. There were no other differences between years. Total ducks harvested was significantly greater for hunters using SWDs on all five areas, and the overall average increase was about 1 bird per hunter.

Although the average number of mallards taken by hunters using mechanical duck decoys trended higher, harvest on only one of the five areas was higher at a statistically significant level in one year. The overall average increase in mallards bagged for hunters using SWDs was about 0.5 mallards per hunter-day.

Although average numbers of ducks taken by hunters using SWDs were higher than the averages by hunters that did not use the devices, and use of the devices was common, overall duck harvest on the public hunting areas in 1999 (201,000); 2000 (165,000); and 2001 (157,000); was lower than in 1998 and the overall ducks per hunter per day was essentially unchanged.

### Effectiveness of December 1<sup>st</sup> Regulation

Beginning in 2001, the Commission adopted a prohibition on the use of electronic or mechanically operated spinning-wing decoys from the beginning of the waterfowl season until November 30<sup>th</sup>. Before and after the regulation change, a variety of changes have occurred with mallard harvest regulations (i.e. opening days, bag limits, season length). The Department analyzed public hunt results to see if any changes

have occurred with mallard harvest in relation to the regulation change. Mallards were chosen for this analysis, since the December 1<sup>st</sup> regulation was created when the

Table D-1. Use and success of hunters using SWD on selected public hunting areas.

Area	Year	% Who Used Decoy	Total Duck Harvest	Percent Mallard	Avg Mallards per Hunter	Avg Ducks per Hunter	Sample Size	Total Annual Hunter Visits	
Little Dry Creek	1999-00	52 - YES	2431	36	1.4	3.9	1197	5030	
		48 - NO	1610	34	1	2.8			
	2000-01	59 - YES	2707	47	1.4	2.9	1550	4650	
		41 - NO	1006	51	0.8	1.6			
	2001-02	52 - YES	2697	42	1.86	4.42	1165	4188	
		47 - NO	1553	47	1.32	2.79			
Delevan	1999-00	52 - YES	1643	17	0.5	2.6	1210	7061	
		48 - NO	1177	18	0.4	2			
	2000-01	not sampled							
		2001-02	45 - YES	1831	30	1.09	3.55	1132	5941
	54 - NO		1251	30	0.6	2.02			
	Sacramento	1999-00	not sampled						
2000-01			57 - YES	1271	24	0.5	1.8	1212	8656
		43 - NO	904	32	0.6	1.7			
2001-02		not sampled							
		Grizzly Island	1999-00	29 - YES	1129	14	0.3	2	1978
71 - NO				1998	18	0.3	1.4		
2000-01	36 - YES		1508	28	0.5	1.8	2305	7176	
	64 - NO		1852	26	0.3	1.2			
2001-02	39 - YES		699	17	0.24	1.42	1250	5880	
	60 - NO		652	17	0.14	0.85			
Los Banos	1999-00	24 - YES	416	31	0.6	1.8	981	4314	
		76 - NO	786	28	0.3	1.1			
	2000-01	41 - YES	802	31	0.7	2.1	914	4698	
		59 - NO	448	35	0.3	0.9			
	2001-02	34 - YES	454	16	0.32	2	654	4427	
		65 - NO	502	23	0.26	1.17			
Mendota	1999-00	16 - YES	790	16	0.4	2.4	2133	9886	
		84 - NO	3179	13	0.2	1.8			
	2000-01	24 - YES	1224	29	0.6	2	2638	10196	
		76 - NO	2716	20	0.3	1.3			
	2001-02	28 - YES	1842	12	0.33	2.59	2497	11132	
		71 - NO	3056	12	0.22	1.71			

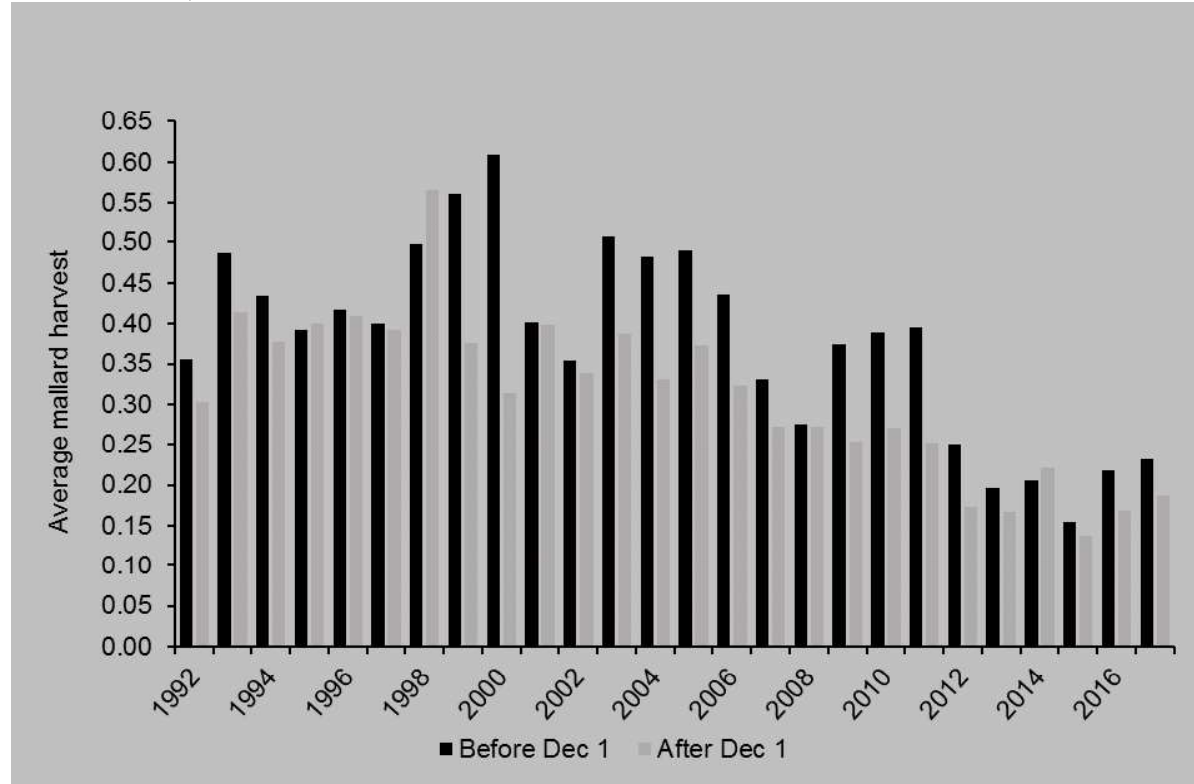
breeding population of mallards in California was declining. Beginning in December, a larger percentage of migrant mallards start appearing in the harvest.

A mallard per hunter visit was calculated for all public hunt areas. Although waterfowl zones and other issues exist (e.g. delay due to rice harvest), these were controlled for by computing an average mallard take per hunter day on all areas before and after December 1<sup>st</sup> (including this date). Additionally, for analysis, data from 1992-2006 was partitioned into three categories: 1992-1997, 1998-2000, and 2001-2006). Use of SWDs began during the 1998-1999 hunting season in California, and continued without limitations until the December 1<sup>st</sup> restriction starting with the 2001-02 waterfowl hunting season. Therefore we have a five year buffer (before and after restriction) on each side of their uncontrolled use on public hunting areas (Figure D-2). Also Included are past years (2007-2016) average mallard take per day on public areas.

Based on statistical tests (ANOVAs), there was no difference in mallard harvest per hunter day during the three time periods after December 1<sup>st</sup> ( $P = 0.617$ ). However, there were significant differences in hunter harvest per day among the three time periods before December 1<sup>st</sup> ( $P = .005$ ). On average, the mallard harvest per hunter-day was 33% larger from 1998–2000 than 1992–1997 before December 1<sup>st</sup>. The mallard harvest per hunter day was 26% larger for the same period when compared to 2001–2006 seasons. Based on public hunt results, it appears that the December 1<sup>st</sup> restriction has significantly decreased the before December 1<sup>st</sup> harvest on mallards on public hunt areas (on a hunter-day basis).

Figure D-2. Average mallard harvest on the public hunting areas relative to

December 1, 1992–2017 hunt seasons.



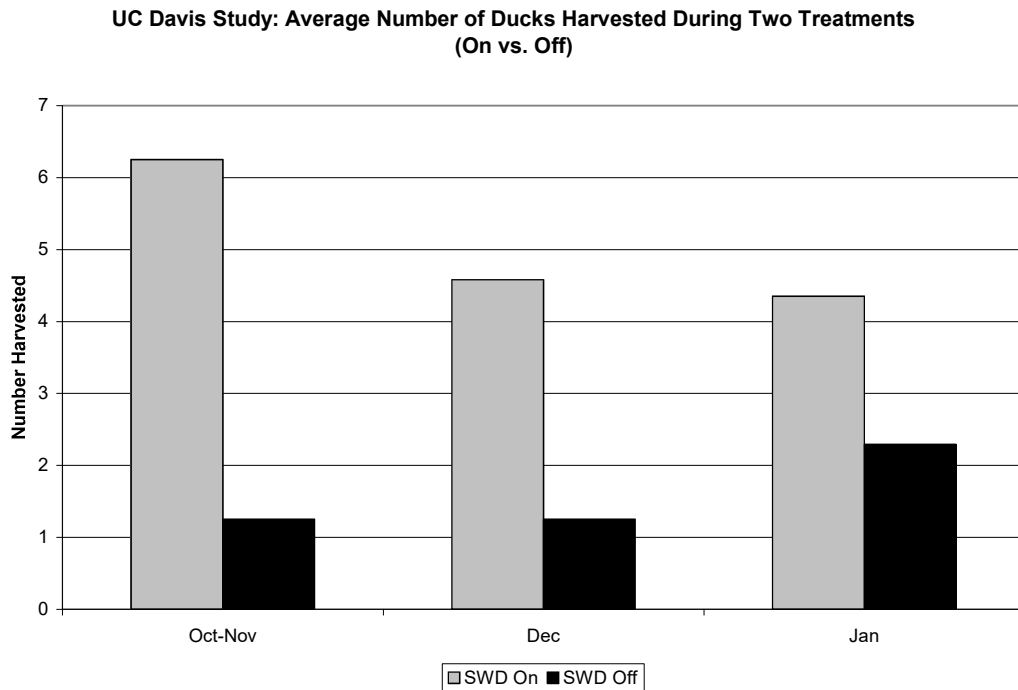
### Studies and Scientific Literature on Spinning Wing Decoys (SWDs)

#### University of California Davis Study

A more rigorous study during the 1999-00 hunting season by the University of California, Davis, also indicated an increase in harvest, particularly early in the season. In this study, hunters were observed during alternating 30 minute periods with SWDs in use and not in use. A total of 37 hunts were conducted. Overall, when hunters used a mechanical duck decoy, they shot about 2.5 times as many ducks as when they didn't use one. Early in the season, hunters using the device shot nearly 7 times more ducks than when the same hunters didn't use the device (Eadie *et al.* 2001). Summary information from this study is provided in the Figure D-3.



Figure D-3. Summary results from University of California, Davis Study



### Arkansas Study

In Arkansas, as study was conducted during 2 years (2001-02 and 2002-03) to evaluate their effectiveness. Overall, 272 hunters killed 537 ducks during 101 hunts. Mallards comprised 57% of the harvest. Of ducks taken, 64 percent were harvested during periods when decoys were on and only 36 percent when off. Results of paired observations indicate that kill per hunter was 1.8 times greater with decoys on versus off. Similarly, 1.3 times as many flocks were seen per hunt, 1.8 times as many shots were fired per hunter and 1.2 times as many cripples were lost during periods when SWDs were on versus off. Age ratios of harvested mallards were similar with decoy use (Imm./Adult ratio = 0.26 when ON and Imm./Adult ratio = 0.23 when OFF), however, adult mallards were 2 times more likely to be shot during periods with a robo" decoy on than off. Body mass was similar for mallards shot and retrieved during both treatments (ON and OFF) (M. Checkett, Arkansas Game & Fish Commission, unpub. data).

### Manitoba, Canada, Study

In Manitoba, Canada, during the falls of 2001 and 2002, 99 experimental marsh and 55 experimental field hunts were conducted. Each hunt consisted of a series of equal and alternating 15-minute experimental (SWD on) and control (SWD off) periods, separated by a 3-minute buffer. Duration of total hunts ranged from 1.0 to 3.0 hours with an average of  $1.4 \pm 0.5$  hours. Experimental marsh hunts indicated that mallards were 1.9

times more likely to fly within gun range, the kill rate was 5.0 times greater, size adjusted body mass of harvested mallards was greater, and the crippling rate was 1.6 times lower in experimental than control periods. Field hunts indicated that mallards were 6.3 times more likely to fly within gun range, kill rate was 33 times greater, and crippling rate was 2.2 times lower in experimental than control periods. A SWD activity\*age interaction indicated that adult males harvested during experimental periods had higher size adjusted body mass than that of juveniles mallards harvested during experimental periods. However, body condition of harvested adult and juvenile mallards did not differ significantly during control periods (Caswell and Caswell 2004).

### Minnesota study

In Minnesota, due to concerns about the potential increased harvest of local mallards, 219 experimental hunts with 367 volunteer hunters were conducted during 1,556 sampling periods (both ON and OFF treatments) during the 2002 waterfowl season. When using a SWD, mallards were 2.91 times more likely to respond to the decoy (within 40 m) as compared to when off. Flock size was larger when the decoy was on, as compared to off. The number of mallards killed/hour/hunter was 4.71 times higher when the SWD was on. There was no difference in crippling loss in treatment types (ON vs. OFF). Age ratios of mallards were 1.89 (HY/AHY birds) versus 0.61 when ON and OFF, respectively. Overall, the study predicted an increase in mallard harvest, if SWDs became widely used in Minnesota (Szymanski and Afton 2004).

### Missouri Study

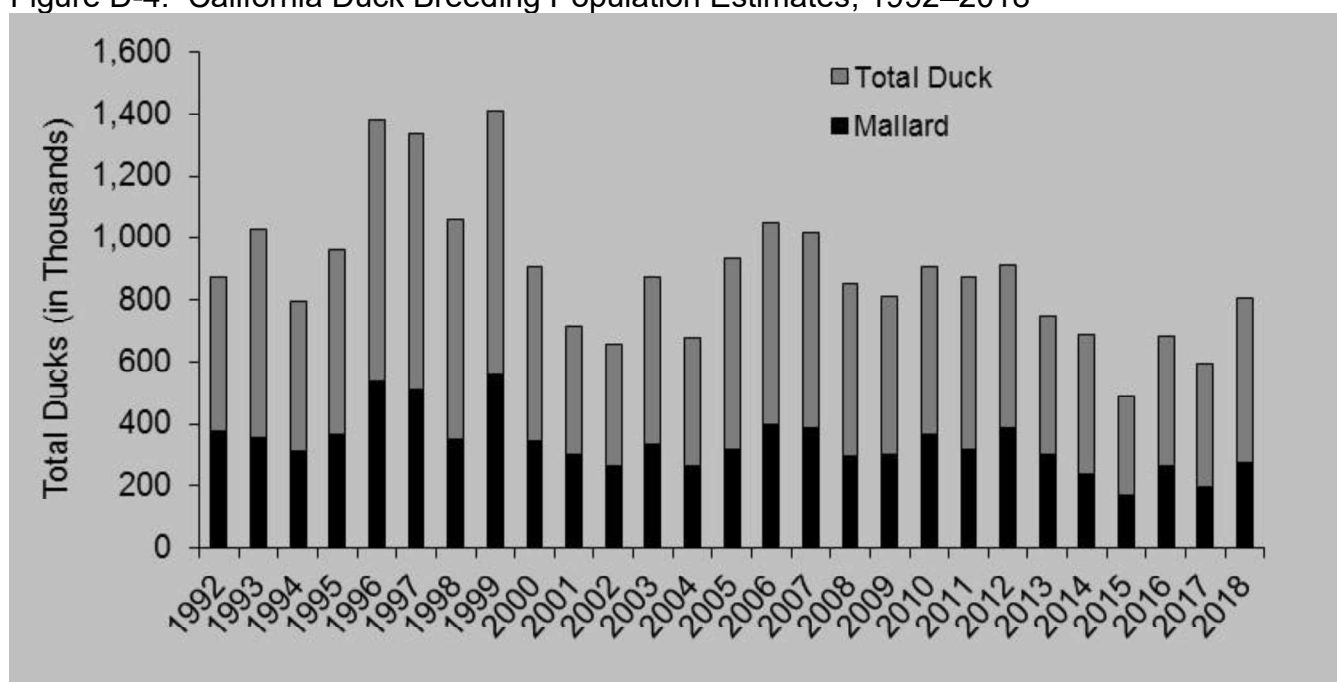
In Missouri, efforts to evaluate the use and attitudes regarding SWD were completed in 2000 and 2001. Hunters using SWDs shot and retrieved 1.28 more total ducks per hunting party (2-3 hunters) and 0.82 more male mallards than when not using a SWD. Missouri waterfowl hunters hunting on public areas were more successful in 2000 when using SWDs than hunters who did not use SWDs. The overall difference in success rate between users and non-users was 0.78 ducks per hunter trip; however, about half of this difference was attributed to factors other than SWDs, such as greater hunting skills. The remaining increase in hunting success, between 0.32 and 0.45 ducks/ hunter trip (13%-19% increase in success rate), was attributed to SWDs (A. Raedecke, Missouri Department of Conservation, unpub. data).

These brief summaries of the additional results and other studies (Nebraska) were summarized in Ackerman et al (2006). Overall, 70.2% of all ducks were harvested when the SWDs were used, as compared to 29.8% when the decoy was not in use. Significant results indicated that the probability of being shot increased with latitude (study location) and annual survival rates of species. These results support that fact that ducks may be more naïve at the beginning of migration (i.e. Manitoba), as compared to late in migration (i.e. Arkansas). Ackerman et al. (2006) suggested that these studies “only measured the effect of SWDs on kill rates of ducks and these rates will not necessarily translate into overall changes in population harvest rates.”

### California breeding populations

The Department annually estimates the breeding population of ducks in California. Results of the current year breeding population survey are not usually available until June of each year. Based on the mallard breeding population, a decline was observed following the 1999 waterfowl season, but this trend was not statistically significant because the annual estimates have large confidence intervals. More recent mallard breeding population levels are similar to the mid-1990s levels when SWDs were not being used for duck hunting. Furthermore, breeding populations of mallards and total ducks have remained relatively stable since 2008 (Figure D-4).

Figure D-4. California Duck Breeding Population Estimates, 1992–2018



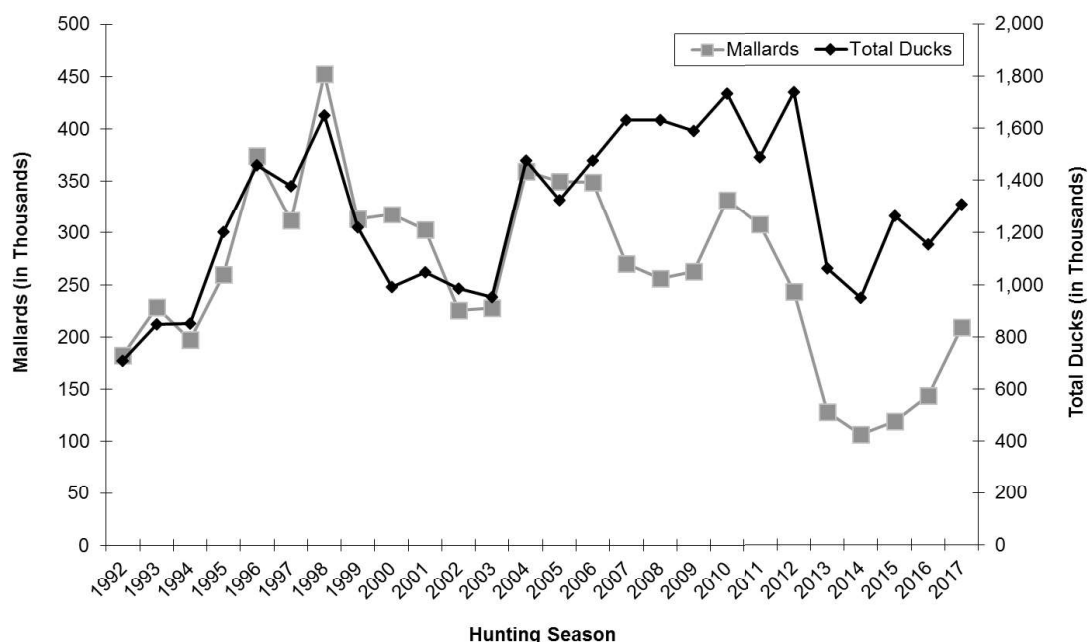
### Total estimated duck harvest

The Service annually estimates the harvest of ducks in California and throughout the United States. However, the most recent year of harvest is not available until July of the following year. For example, at this time, harvest information from the 2017-18 season is available but harvest estimates from 2018-19 will not be available until July, 2019. There remain many factors (e.g. regulations, weather, hunter participation, age ratios in duck populations, etc.) besides the use of SWDs that may impact hunter success on an individual hunt, which may transfer to decreased or increased total statewide duck harvest.

### Relationships Among Survival & Harvest in Mallards: Issues in Findings

The studies cited above indicate that the use of SWDs increases harvest at the individual hunt level, however, despite the widespread use of SWDs (at least when last measured) overall estimates of harvest have not changed at the same magnitude as indicated in the individual hunt studies (Appendix E, Figure D-5). To have a biological effect at the population level, SWDs would have to be shown to lead to increased harvests and those increased harvests would have to be shown to lead to decreased annual survival rates. Other unmeasured variables act on populations during and after hunting seasons and it is not possible to unequivocally attribute potential population level effects due to SWDs through existing monitoring programs. However, banding data are the most likely of these monitoring programs that provide any inference on the role of SWDs on population parameters of ducks.

Figure D-5. Mallard and Total Duck (all species combined) harvest in California.



Numerous scientific studies have attempted to improve the understanding of the relationship among harvest rates and annual survival rates of waterfowl (Anderson and Burnham 1976, Nichols *et al.* 1984, Nichols and Hines 1982, Burnham and Anderson 1984, Johnson *et al.* 1986, Trost 1987, Raveling and Heitmeyer 1989, Nichols 1991, Smith and Reynolds 1992, Conn and Kendall 2004). Most of these studies have relied on banding data. As an example, Smith and Reynolds (1992) concluded that survival rates increased in response to restrictive regulations, and they rejected the completely compensatory model of population dynamics. Conversely, Sedinger and Rextad (1994) contested those conclusions because Smith and Reynolds pooled data and their analyses had low statistical power. Thus, there is still debate whether existing harvest levels affect survival rates in mallard populations. Partially due to this debate and uncertainty, the Service implemented Adaptive Harvest Management in 1995 to help reduce the uncertainty about the role of harvest and survival rates in population dynamics of mid-continent mallards.

The ability to detect significant changes in estimates of mallard recovery and survival rates in California, and relate these changes solely to the use of SWDs, is difficult if not impossible for several reasons.

First, survival and recovery rates are calculated through modeling using data from banded ducks. The data from these banded ducks consists of the number of birds banded (categorized by age, sex, date and location of banding) and reports of encountered bands (usually through hunting for game birds). The number of birds encountered divided by the number of birds banded is the recovery rate. However, not all bands encountered are reported, and an estimate of reporting rate is needed. The product of the recovery rate and the reporting rate is the harvest rate.

Reporting rates have been estimated because this rate is necessary to estimate the harvest rate and harvest rate is necessary to understand the relationship between harvest and population dynamics. Reporting rates vary widely due to band type and even geography (Nichols *et al.* 1991, 1995, Royle and Garretson 2004). Band types (i.e. their inscriptions) have changed over time. Before the 1990s, “avise” bands were used. These bands were inscribed with “AVISE BIRD BAND, WRITE WASHINGTON DC USA”. Later, “address” bands were introduced with the inscription “WRITE BIRD BAND LAUREL MD 20708”. These bands were replaced beginning in 1995, but not entirely until about 1999, with “toll-free” bands that were inscribed with “CALL 1 800 327 BAND and WRITE BIRD BAND LAUREL MD 20708 USA”. The adoption and widespread advertising of this new reporting method greatly increased reporting rate and apparent recovery rates. Due to the overlap of band types and the timing and duration of research into reporting rates, harvest rates can not be calculated for all areas in all years.

Secondly, changes in basic hunting regulations (e.g. season length and bag limits) occurred before and after the use of SWDs began. For instance, in 2001 (the first year

of the December 1 regulation), the season was 100 days long with a 7 mallard (2 hen) daily bag limit whereas in 2002, the season was 74 days long with a 5 mallard (1 hen) daily bag limit. Thus, changes in harvest and survival rates due to basic regulations could be confounded with any changes to these parameters due to the use of SWDs. More inferences could be made from the standard monitoring programs with stabilized regulations over a period of time.

Third, duck (and presumably mallard) harvest varies annually due to non-regulatory effects (weather, hunter participation, etc.) and survival rates vary due to variation in natural mortality (disease, etc.) (Miller et al. 1988).

With these caveats in mind, the Department calculated recovery rates and survival rates for mallards banded in California between 1988 and 2005. These ducks were banded by the Department, the California Waterfowl Association, and the U.S. Fish and Wildlife Service. Only normal, wild mallards banded from June to September with standard USFWS bands were used in this analysis. The Department examined the data by age class (adult and hatch-year or immature) and sex. Survival and recovery rates were calculated using Brownie models (Brownie *et al.* 1985) in Program MARK (White and Burnham 1999). Harvest rates were calculated from recovery rates by incorporating reporting rates (Nichols *et al.* 1995, Royle and Garretson 2004). For comparison purposes, the Department summarized harvest rates for mid-continent mallards during liberal seasons (1979-1984) (Smith and Reynolds 1992) and for mallards from eastern Washington (1981-198) (Giudice 2003).

For data from mallards banded in California, the data were portioned into 4 time periods (Table D-3): Period 1 (Restrictive season lengths and bag limits, no SWD); Period 2 (Liberal season lengths and bag limits, no SWD); Period 3 (Liberal regulations with SWD, but no December 1 regulation) and, Period 4 (Liberal regulations with December 1 regulation). If SWD affected harvest and survival rates, harvest rates should be highest and survival rates lowest during Period 3. If regulations by themselves change these parameters, harvest rates should be higher and survival rates lower in Period 2 compared to Period 1. If SWD had an effect, survival rates should be lower and harvest rates higher in Period 3 compared to Period 2. If the December 1 regulation had an effect, harvest rates should be lower and survival rates higher during Period 4 compared to Period 3.

Table D-3. Time periods used to summarize basic regulations, SWD use, and the December 1 regulation.

<b>Time Period</b>	<b>Starting Season</b>	<b>Ending Season</b>	<b>Regulations</b>	<b>Pre or Post-SWD</b>	<b>Dec 1st Restrictions</b>
1st	1988	1994	Conservative	Pre-SWD	No
2nd	1995	1997	Liberal	Pre-SWD	No
3rd	1998	2000	Liberal	Post-SWD	No

4th	2001	2004	Liberal	Post-SWD	Yes
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Unfortunately, due to the introduction of “toll-free” bands and the increasing and changing reporting rates, harvest rate estimates are only available for Periods 1 and 4. Harvest rates for adults between Period 1 and Period 4 were unchanged and lower than those rates for eastern Washington and mallards from the mid-continent region (Table D-4). However, harvest rates of immature mallards banded in California have increased between periods 1 and 4 by 62 and 30 percent for males and females, respectively. Thus, the combination of regulation changes and use of SWD did not change harvest rates of adults, but the combination of more liberal regulations and the use of SWD did change harvest rates of immature mallards. The combination of liberalized regulations and SWD appears to have increased the harvest rate of mallards banded in California to higher levels than occurred in the mid-continent region or eastern Washington (Table D-4).

Table D-4. Harvest rates for mallards banded in California (restrictive and liberal periods), eastern Washington (liberal period) and the mid-continent region (liberal period).

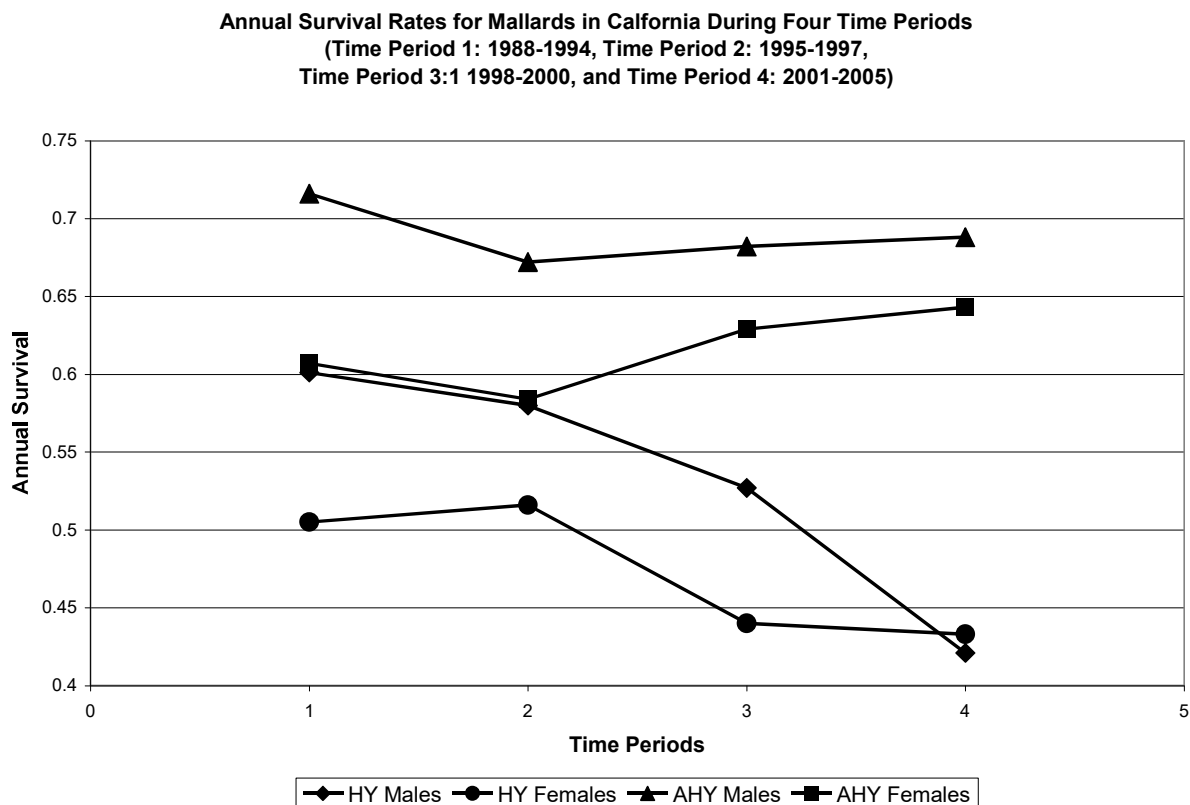
	<b>California (restrictive)</b>	<b>California (liberal)</b>	<b>Eastern Washington</b>	<b>Mid- Continent (liberal)</b>
<b>Adult Males</b>	0.138	0.138	0.172	0.150
<b>Hatch-Year Males</b>	0.202	0.327	0.286	0.228
<b>Adult Females</b>	0.058	0.058	0.100	0.097
<b>Hatch-Year Females</b>	0.143	0.186	0.172	0.157

Survival rates could be calculated for each cohort (age and sex) for each period (Figure D-6) since recovery and survival rate are not conditional on each other. Covariance among recovery and survival rates must be addressed to understand the impact of harvest on survival rates. Although recovery rates may have increased during these periods, it would not have as large an impact on survival rates, as compared to computed harvest rates. Furthermore, the grouping into time periods also correlates with the introduction of different band types.

Survival rates were constant for adult birds of sexes irrespective of harvest regulations, the use of SWD or the December 1 regulation (Figure D-6). However, survival rates for immature birds declined but only for males was the decline statistically significant ( $P=0.048$ ).

From these analyses, it appears that adult mallard recovery, harvest and survival rates have not changed despite changes in regulations, the use of SWDs, or the imposition of the December 1 regulation. In contrast, immature mallard harvest rates have increased and survival rates have declined, but these changes may have been due to changing basic regulations, the use of SWDs, both, or other unmeasured variables.

Figure D-6. Annual survival rates of Mallards banded in California.



### Public Perception of SWDs

The findings of this section have concentrated on biological information as related to the SWD in California. However, since past public views to the Commission has demonstrated different views on “fair chase”, public opinion information has been added to this review of this topic. In 2005, D. J. Case & Associates, as commissioned by the Association of Fish and Wildlife Agencies, released the findings of the National Duck Hunter Survey. According to this study, 55% of California duck hunters stated that SWDs should be allowed, whereas 26% opposed their use and 19% had no opinion on the subject. Other surveys have shown a wide variety of responses to their opinions on SWDs. For instance, California Waterfowl Association’s (CWA) 2006



survey indicated that a majority of hunters opposed electronic decoys, but accepted wind driven decoys (CWA, pers. comm.).

### Summary of Findings

There is substantial evidence that SWDs can/have increased harvest and harvest potential on an individual hunt basis. Although SWDs have been shown to increase potential harvest, total harvest estimates have not increased at the same magnitude. Furthermore, SWDs have not increased harvest rates nor decreased survival rates on adult mallards. In hatch-year mallards, harvest rates have increased over 60 percent on males, and survival rates have significantly declined. However, this is not a cause-and-effect relationship because other unmeasured variables were likely occurring simultaneously. The implementation of the December 1 regulation appears to have reduced daily harvest rates of mallards on public hunt areas when compared to unrestricted use of SWDs (1998–2000).

There is no clearly explicit link detectable through existing monitoring programs (or population level measures) between the introduction of SWDs and changes in measured population parameters. There remains no substantial evidence either for or against their large-scale effect on waterfowl populations. There are strongly held opposing positions on the “fair-chase” and other aspects of SWDs. For this reason, the Department has provided an alternative in Chapter 3.

**Appendix E.** Estimated Retrieved Harvest of Certain Ducks in California, 1962–2017.

Year	Mallard	Gadwall	American Wigeon	G-w Teal	B-w/Cin. Teal	Northern Shoveler	Pintail	Wood Duck	Red-head	Canvas-back	All Other Species	TOTAL
1961	197.0	19.2	183.9	153.3	28.9	108.4	299.3	7.3	0.8	0.4	49.3	1,047.8
1962	167.0	17.5	128.5	145.1	48.8	86.8	285.3	12.1	1.0	0.0	70.1	962.2
1963	267.5	42.3	159.2	242.5	59.5	182.3	415.7	14.7	4.3	0.0	72.0	1,460.0
1964	249.0	40.5	166.3	214.6	49.4	77.2	342.0	17.0	7.8	9.2	74.2	1,247.3
1965	295.0	41.7	202.2	216.2	59.1	139.6	373.0	34.7	10.6	8.3	79.9	1,460.3
1966	288.4	51.5	215.2	267.1	36.6	162.3	563.0	13.1	8.6	39.9	97.5	1,743.2
1967	446.0	85.3	311.8	363.1	73.1	194.2	798.5	24.3	9.8	15.5	133.6	2,455.2
1968	236.2	34.2	169.6	262.5	42.6	111.5	381.1	11.3	5.5	10.5	68.3	1,333.4
1969	331.7	43.3	229.9	332.2	49.2	197.4	900.5	18.8	6.0	12.3	94.4	2,215.8
1970	371.0	43.5	264.0	361.3	38.2	201.8	1,032.9	21.4	12.9	26.9	77.7	2,451.5
1971	313.4	66.0	255.3	295.9	44.6	189.3	752.1	14.2	13.2	34.4	96.6	2,075.0
1972	321.8	49.3	231.5	332.6	64.9	157.4	715.3	21.2	5.8	0.9	90.2	1,991.0
1973	219.4	32.4	145.6	245.2	94.8	101.1	477.0	32.7	9.5	13.8	79.5	1,451.0
1974	292.3	60.2	194.3	319.6	59.8	167.4	712.4	21.7	8.9	27.1	59.4	1,923.0
1975	293.1	46.5	193.9	344.7	47.7	184.5	746.9	19.3	5.4	28.1	49.5	1,959.6
1976	305.6	37.6	278.7	403.0	42.5	185.6	680.6	23.4	6.6	34.2	82.9	2,080.6
1977	229.7	27.4	162.4	306.4	44.8	115.3	350.8	24.3	7.1	22.4	82.9	1,373.5
1978	294.3	39.2	179.4	405.1	64.9	161.0	596.0	29.0	8.2	14.1	66.0	1,857.2
1979	260.7	47.9	168.3	292.0	42.4	112.6	641.5	12.4	6.6	14.8	63.1	1,662.3
1980	238.6	64.2	165.6	259.1	27.1	108.4	410.0	40.2	10.8	10.3	67.6	1,401.8
1981	239.0	33.6	125.8	211.8	28.9	120.4	261.0	23.8	7.9	14.3	73.8	1,140.3
1982	284.2	53.8	122.8	266.5	50.3	140.2	327.9	26.2	10.9	10.6	59.6	1,353.1
1983	298.6	59.2	103.7	203.7	58.9	112.4	334.3	23.1	14.8	6.9	71.4	1,287.0
1984	265.1	43.3	94.6	178.2	52.6	91.9	194.9	15.7	6.6	12.2	50.8	1,005.9
1985	261.8	53.6	106.0	180.7	28.6	99.6	200.3	9.5	6.7	27.5	52.7	1,027.0
1986	257.6	57.7	113.9	176.8	19.0	86.6	194.5	20.2	4.4	16.3	43.2	990.2
1987	228.4	50.4	124.3	214.1	29.4	113.1	243.8	11.8	5.3	12.6	49.8	1,083.0
1988	139.7	23.2	62.7	122.1	16.0	44.1	70.3	9.6	2.3	0.1	23.7	513.8
1989	175.8	42.1	71.8	185.0	31.9	64.2	91.6	15.9	4.6	7.2	33.3	723.3
1990	179.7	45.2	80.1	149.9	19.4	69.5	80.3	11.4	2.5	4.2	28.7	671.0
1991	161.2	40.4	94.3	169.7	13.7	49.4	81.3	14.3	1.8	4.7	23.0	653.9
1992	182.7	33.3	72.9	183.9	18.4	74.1	75.0	16.4	3.5	8.8	39.2	708.1
1993	228.4	63.1	77.3	219.2	25.7	60.2	90.5	31.9	5.6	10.2	37.1	849.2
1994	197.4	68.7	97.6	183.0	14.7	106.0	92.0	20.8	5.8	14.4	51.0	851.3
1995	259.8	85.4	159.2	291.2	35.4	101.5	162.7	28.8	9.0	10.2	59.6	1,202.8
1996	374.4	104.1	175.6	306.5	39.4	164.1	182.0	26.4	10.8	12.7	66.4	1,462.4
1997	312.2	79.4	162.0	311.6	36.9	172.6	188.2	22.5	11.7	17.1	67.3	1,381.5
1998	452.6	129.6	166.5	352.4	62.0	217.1	146.3	33.4	15.9	21.4	55.2	1,652.4
1999	328.2	69.4	153.9	285.5	66.8	116.1	123.3	25.6	5.0	13.8	47.9	1,235.5
2000	309.5	62.4	113.1	207.2	31.3	87.5	85.4	32.0	4.7	10.6	39.6	983.3
2001	307.9	65.4	146.9	200.5	36.1	111.6	89.7	32.5	4.3	6.6	51.5	1,053.0
2002	191.3	83.7	134.4	239.7	35.6	103.9	79.9	24.7	4.9	0.7	52.4	951.2
2003	288.1	79.7	112.8	218.0	46.2	96.2	79.2	25.2	8.2	7.0	51.5	1,012.1
2004	359.7	132.6	196.8	348.7	57.3	147.7	98.8	22.5	9.6	11.5	94.1	1,479.3
2005	349.8	105.0	176.8	297.6	58.2	128.8	115.7	39.4	7.8	4.8	43.3	1,327.2
2006	349.1	124.2	165.7	331.3	56.9	224.6	123.2	31.3	9.1	17.5	47.9	1,480.8
2007	270.3	122.2	218.8	402.9	43.4	275.3	137.9	33.7	9.5	32.6	86.4	1,632.9
2008	255.9	110.2	271.8	468.5	39.9	209.5	169.4	36.3	7.0	0.6	64.2	1,633.7
2009	262.4	117.9	195.3	387.5	35.3	157.7	177.1	27.1	6.6	9.8	63.6	1,591.4
2010	332.0	124.4	226.2	394.9	48.2	220.8	242.6	34.1	7.7	17.6	85.6	1,734.1
2011	308.1	106.2	169.8	311.9	36.9	253.9	201.6	21.0	14.3	15.9	47.2	1,489.1
2012	243.5	95.3	193.7	371.2	31.9	291.5	201.1	21.9	14.6	23.4	25.0	1,738.1
2013	127.9	60.7	152.5	258.8	22.0	197.3	130.5	5.5	7.7	30.0	67.9	1,062.3
2014	106.3	56.4	161.5	240.5	18.1	155.1	115.6	9.3	3.8	15.5	66.7	948.8
2015	119.3	83.4	221.1	327.5	19.2	233.0	161.5	8.0	4.4	25.3	62.2	1,266.3
2016	143.6	71.2	158.7	381.9	33.7	139.4	135.4	11.9	4.1	17.7	55.7	115.3
2017*	209.3	112.4	185.4	356.7	45.0	169.3	119.4	23.8	8.3	15.6	60.3	1,305.5
Averages:												
1961-17	262.8	65.6	164.4	275.4	41.4	143.0	299.6	21.8	7.4	14.2	62.3	1,346.5
1961-65	235.1	32.3	168.0	194.3	49.2	118.9	343.1	17.2	4.9	3.6	69.1	1,235.5
1966-70	334.7	51.6	238.1	317.2	47.9	173.4	735.2	17.8	8.6	21.0	94.3	2,039.8
1971-75	288.0	50.9	204.1	307.6	62.4	159.9	680.7	21.8	8.6	20.9	75.0	1,879.9
1976-80	265.8	43.2	190.9	333.1	44.3	136.6	535.8	25.8	7.9	19.2	72.5	1,675.1
1981-85	269.7	48.7	110.6	208.2	43.9	112.9	263.7	19.7	9.4	14.3	61.7	1,162.7
1986-90	196.2	43.7	90.6	169.6	23.1	75.5	136.1	13.8	3.8	8.1	35.8	796.3
1991-95	205.9	58.2	100.3	209.4	21.6	78.3	100.3	22.4	5.1	9.7	42.0	853.1
1996-00	355.4	89.0	154.2	292.6	47.3	151.5	145.0	28.0	9.6	15.1	55.3	1,343.0
2001-05	299.4	93.3	153.5	260.9	46.7	117.6	92.7	28.9	7.0	6.1	58.6	1,164.6
2006-10	293.9	119.8	215.6	397.0	44.7	217.6	170.0	32.5	8.0	15.6	69.5	1,614.6
2011-15	181.0	80.4	179.7	302.0	25.6	226.2	162.1	13.1	9.0	22.0	53.8	1,300.9
2016-17	176.5	91.8	172.1	369.3	39.4	154.4	127.4	17.9	6.2	16.7	58.0	710.4
% Change from:												
2016	45.8%	57.9%	16.8%	-6.6%	33.5%	21.4%	-11.8%	100.0%	102.4%	-11.9%	8.3%	1032.3%
1961-17	-20.4%	71.4%	12.8%	29.5%	8.6%	18.4%	-60.1%	9.4%	12.3%	9.6%	-3.3%	-3.0%
% State's Total Duck Harvest:												
2017	16.0%	8.6%	14.2%	27.3%	3.4%	13.0%	9.1%	1.8%	0.6%	1.2%	4.6%	
1961-17	19.5%	4.9%	12.2%	20.5%	3.1%	10.6%	22.3%	1.6%	0.5%	1.1%	4.6%	
* Preliminary Data												

## **Appendix F. Possible Effects of Climate Change Impacts on Waterfowl**

Over the long term climate change models suggest temperature increases in many areas, both increases and decreases in precipitation, its timing, sea level rise, changes in the timing and length of the four seasons, declining snow packs and increasing frequency and intensity of severe weather events. Many uncertainties make it difficult to predict the precise impacts that climate change will have on wetlands and waterfowl. The effects of climate change on waterfowl populations, including their size and distribution, will probably be species specific and variable, with some effects considered negative and others considered positive (Anderson and Sorenson 2001). For example, a longer and warmer ice-free season in the Arctic would be expected to result in higher overall reproductive success for Arctic nesting geese (Batt 1998).

### **Breeding Season**

Increasing spring temperatures have led to earlier arrival of waterfowl on northern breeding areas (Murphy-Klassen et al. 2005), yet nest survival has not decreased at this point of time (Drever and Clark 2007). In fact, earlier nest initiations are often more successful (Emery et al. 2005, Sedinger et al. 2008). However, future changes in wetland distribution and type (Johnson et al. 2005) on northern breeding grounds may impact settling patterns (Johnson and Grier 1988), and potentially recruitment for certain species through differences in breeding probability (Krapu et al. 1983), nest survival, and duckling survival. In California, areas with wetland brood habitat may become more limited if precipitation decreases with increasing temperatures, as predicted for the prairie pothole region of the United States and Canada (Sorenson et al 1998). Production of waterfowl that rely on agricultural habitats may be similarly affected if water availability (amounts and or timing) change.

### **Non-breeding Season**

The Central Valley of California has one of the world's largest concentrations of over-wintering waterfowl (Heitmeyer et al. 1989). The primary expected response of waterfowl to climate change is redistribution as birds seek to maintain energy balance. Increased fall and winter temperatures in northern regions would make it unnecessary for waterfowl to migrate as far south and the wintering populations of waterfowl in California may be reduced. Shifting patterns of precipitation and temperatures may cause decreased availability of water for managed wetlands and agricultural production in the Central Valley. Changes in water availability and timing (Miller et al 2003) would likely have the greatest impact on rice agriculture, an important component of wintering waterfowl habitat in California. Decreasing habitats may cause a decline in body condition which may impact recruitment and survival in waterfowl populations. Ultimately, this will cause decreased recruitment as birds shift out of optimal nesting habitats (e. g. Ward et al. 2005), and a decrease in over-wintering populations.

## Summary of Findings

There is substantial evidence that climate change will cause changes in habitats and other factors that affect waterfowl populations over the long term. Waterfowl populations are assessed in many ways on an annual basis (See pages 38–40 of the 2006 Final Environmental Document for Migratory Game Bird Hunting, SCH #2006042115, incorporated by reference, available at 1812 9<sup>th</sup> Street, Sacramento 95811). In summary, the condition of breeding habitats is assessed annually during the breeding population surveys conducted by the Service with assistance from some states and the Canadian Wildlife Service (CWS) in the spring and summer. The specific methodology of these surveys is provided in Chapter 3, pages 55–57, 2006 Final Environmental Document for Migratory Game Bird Hunting, SCH #2006042115, incorporated by reference, available at 1812 9<sup>th</sup> Street, Sacramento 95811).

Because the effect of regulated harvest is minimal (pages 57–67 of 2006 Final Environmental Document for Migratory Game Bird Hunting, SCH #2006042115, , incorporated by reference, available at 1812 9<sup>th</sup> Street, Sacramento 95811) implementation of the proposed project in the current year is not expected to result in significant negative effects to waterfowl populations. The effect is minimal because summary, the weight of historic scientific evidence leans toward the compensatory mortality hypothesis, though there are enough ambiguities to make complete reliance on this hypothesis as a management strategy an unwise approach (USDI 1988a:96). Accordingly, restrictive regulations have been established when populations reached low levels. For example, duck seasons were reduced from 93 days to 59 days, and bag limits were reduced from seven birds per day to four birds per day during the late 1980s in response to declines in duck populations caused by drought (Page 66, 2006 Final Environmental Document for Migratory Game Bird Hunting, SCH #2006042115, incorporated by reference, available at 1812 9<sup>th</sup> Street, Sacramento 95811).

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**From:** Bill Ferrier  
**Sent:** Thursday, February 14, 2019 2:58 PM  
**To:** FGC  
**Subject:** Letter, waterfowl regulations  
**Attachments:** Ferrier, falconry comments, waterfowl agenda item.pdf

Please see attached.  
Thank you,  
Bill Ferrier, DVM

February 14, 2019

California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

Re: Waterfowl Agenda Item, April 17<sup>th</sup> meeting, Office of Administrative Law's Notice ID #Z2019-0108-07

Dear Commissioners,

On behalf of the California Hawking Club, (CHC), I wish to comment on the waterfowl agenda item for the April Commission meeting.

Falconry as a hunting method is inefficient. This fact combined with the relatively few falconers around the country compared to gun hunters' results in a sport that has zero impact on the migratory bird populations. Despite this, the current management system effectively denies hunting opportunity to hundreds of falconers every year. The cause of this inequity is based on the difficulty in hunting with a trained raptor near gun hunters, which also prevents falconers from having access to hunting ducks near refuges where large concentrations of ducks can be found. Added to this challenge is the fact that in most areas of California, ducks are not found in areas that can be hunted with a falcon until late in the season. Falconers usually hunt ducks on small ponds which are secondary resting areas for ducks through most of the season on the west coast. Approximately one month before the season closes, the ducks can be found on these areas.

Ideally, falconers would like to have a separate duck hunting season from gun hunters but unfortunately the wording in the Migratory Bird Treaty Act (MBTA) at this time combines all forms of hunting into one group ("by any method"). Falconers would simply like to have an equal opportunity to hunt ducks. By maintaining approximately 1 week of a "falconry only duck season" after the end of the regular hunting season, falconers can have at least this short time to pursue ducks without being in proximity to gun hunters. Alternatively, we ask that the FWS consider developing special use permits for the take of migratory birds by falconry.

### **Request**

Maintain 100-day season length and use additional days for falconry-only hunting (as discussed between DFW and the CHC June 18, 2018). Consider developing special use permits for the take of migratory birds by falconry.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. T. Ferrier', with a long horizontal stroke extending to the right.

William T. Ferrier, DVM

# Please Support 5 Additional Days of Duck Hunting

Wed 04/03/2019 02:00 PM

To:FGC <FGC@fgc.ca.gov>;

Dear Commissioner Sklar,

I am writing you to respectfully request that you support adding 5 more days of duck hunting to the 2019/20 waterfowl season.

Specifically, please approve extending the duck season through January 31, 2020 (rather than January 26) within the Balance of State, Southern San Joaquin and Southern California Zones.

Allowing 5 more days of duck hunting during this time will provide additional hunter opportunity when duck hunting is typically good to excellent in these zones, as evidenced by harvest data on State Wildlife Areas and National Wildlife Refuges.

This should aid hunting recruitment and retention efforts and arguably help to simplify waterfowl regulations by creating a date certain end (January 31st) to the regular duck season. It may also encourage private duck clubs and rice farmers to provide wintering waterfowl habitat later into the year.

The January 31st duck season extension does not increase the total number of duck hunting days authorized within the Pacific Flyway, and should not adversely affect duck populations.

Thank you for your consideration.

Sincerely,

James Abbott



## Memorandum

2019 APR -9 AM 9:01

Date: April 8, 2019

To: Melissa Miller-Henson  
Acting Executive Director  
Fish and Game Commission

From: Charlton H. Bonham  
Director



Subject: **Department Recommendation for Agenda for the April 17 Fish and Game Commission Meeting Regarding Amendments to Section 502, Title 14, California Code of Regulations, Waterfowl Hunting Regulations**

The U.S. Fish and Wildlife Service (Service) annually establishes federal regulation frameworks (Frameworks) for migratory bird hunting. California, and other states, must set its waterfowl hunting regulations within the Frameworks. These Frameworks describe the earliest dates that waterfowl hunting seasons may open, the maximum number of days hunting can occur, the latest dates that hunting seasons must close, and the maximum daily bag limit. The Frameworks allow for a liberal duck season which includes up to a 107-day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasbacks, 2 redheads, and 3 scaup (during an 86-day season).

Consistent with Fish and Game Code Section 355, the Department is recommending season lengths and bag limits that conform to the Frameworks for the 2019-20 waterfowl hunting season. Most bag limits and season lengths remain unchanged other than allowance for calendar progression. There are 3 recommended changes: 1) add Small Canada geese to the Regular Season for the Northeastern Zone; 2) add Small Canada geese to Season for the Klamath Basin Special Management Area; and 3) open the Late Season for white geese two weeks after the close of the Regular Season for the Imperial County Special Management Area.

The Department will not object to a January 31<sup>st</sup> closure date for the balance of the state, Southern San Joaquin Valley and Southern California zones. The option would preclude a falconry-only hunt, since all 107 available hunt days would be allocated to firearms. The falconer stakeholders have requested 5 days for falconry-only after the historical closure date of the last Sunday in January.

Melissa Miller-Henson, Acting Executive Director  
Fish and Game Commission  
April 8, 2019  
Page 2

If you have any questions regarding this item, please contact Kari Lewis, Chief of the Wildlife Branch at (916) 445-3789.

cc: Stafford Lehr  
Deputy Director  
Wildlife and Fisheries Division  
[Stafford.Lehr@wildlife.ca.gov](mailto:Stafford.Lehr@wildlife.ca.gov)

Kari Lewis  
Chief  
Wildlife Branch  
Wildlife and Fisheries Division  
[Kari.Lewis@wildlife.ca.gov](mailto:Kari.Lewis@wildlife.ca.gov)

Michelle Selmon  
Program Manager  
Regulations Unit  
Wildlife and Fisheries Division  
[Michelle.Selmon@wildlife.ca.gov](mailto:Michelle.Selmon@wildlife.ca.gov)

Brad Burkholder  
Program Manager  
Wildlife Branch  
Wildlife and Fisheries Division  
[Brad.Burkholder@wildlife.ca.gov](mailto:Brad.Burkholder@wildlife.ca.gov)

Melanie Weaver  
Senior Environmental Scientist  
Wildlife Branch  
Wildlife and Fisheries Division  
[Melanie.Weaver@wildlife.ca.gov](mailto:Melanie.Weaver@wildlife.ca.gov)

Mike Randall  
Analyst  
Regulations Unit  
Wildlife and Fisheries Division  
[Mike.Randall@wildlife.ca.gov](mailto:Mike.Randall@wildlife.ca.gov)



# **2019-20 Waterfowl Hunting Recommendations Section 502**



**Fish and Game Commission Meeting**

**April 17, 2019**

**Melanie Weaver**

**Wildlife Branch**

# Overview

- Federal Frameworks
- Department recommendation
- January 31 closure option
- Veteran-Active  
Military Hunting Days





# Duck Frameworks

## Western Mallard

➤ 107 days from Sat nearest Sept 24 to January 31

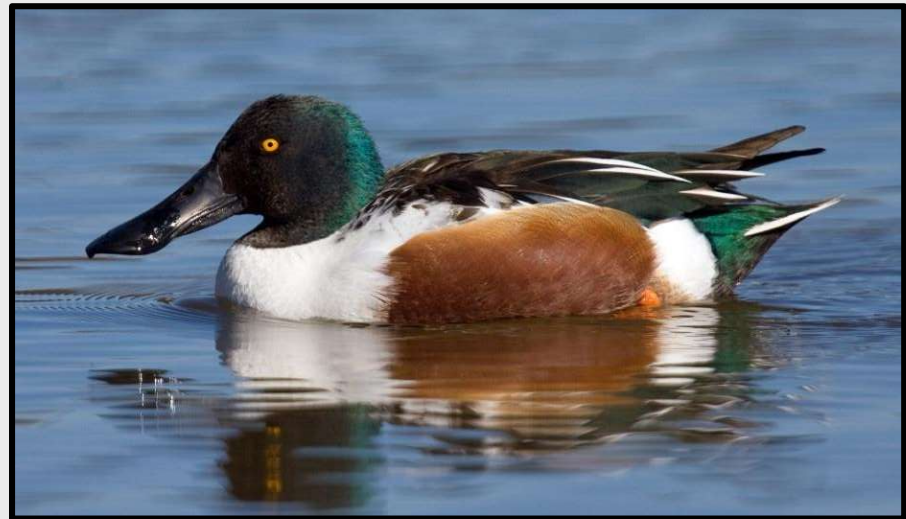
7 ducks, 7 mallards, 2 hen mallards

Pintail: 1

Canvasback: 2

Scaup: 86 days/3

Redhead: 2

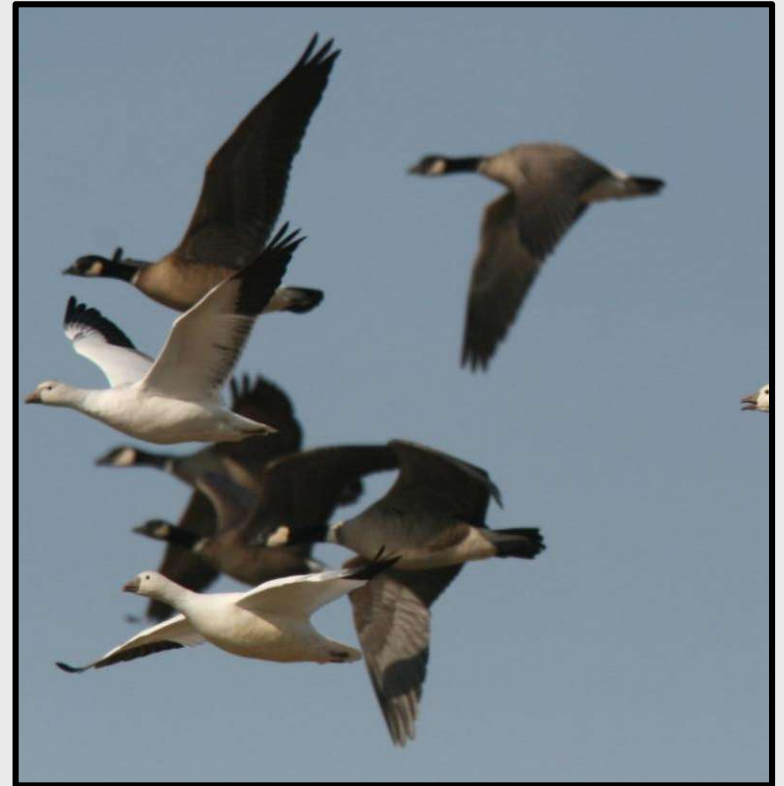


# Goose Frameworks

Between 100-107 day season

Generally 30/day

- 20 white geese
- 10 dark geese
- 2 Brant/day



# Summary of Department Recommendation

- Add Small Canada geese to Northeast Zone & Klamath Basin Special Management Area Season description
- Open white goose late season 2 weeks after close of regular season in Imperial County Special Management Area
- Close last Sunday in January in most zones and utilize extra days for falconry-only
- Add 5 days of falconry only in Balance of State Zone & 2 days in So San Joaquin Valley Zone

# **Duck Season Recommendation**

## **Northeast Zone**

- Regular Season: Oct 5 – Jan 17 (105 days)
- Scaup: Oct 5 – Dec 1 (58 days) & Dec 21 – Jan 17 (28 days)

## **Bal of State, So San Joaquin Valley, So California Zones**

- Regular Season: Oct 19 – Jan 26 (100 days)
- Scaup: Nov 2 – Jan 26 (86 days)

## **Colorado River Zone**

- Regular Season: Oct 18 – Jan 26 (101 days)
- Scaup: Nov 2 – Jan 26 (86 days)
- Must match AZ regulations





# Northeast Zone Goose Season Recommendation

## Regular Season

- Canada geese: Oct 5 – Jan 12 (100 days)
- White & white-fronted geese:  
Oct 5 – Dec 1 (58 days) & Jan 4 – Jan 17 (14 days)

## Late Season

- White & white-fronted geese: Feb 7 – Mar 10 (33 days)
- 30/day: 20 white/10 dark geese, no more than 2 Large Canada geese

# Balance of State Zone Goose Season Recommendation

## Early Season Canada geese

- Sept 28 – Oct 2 (5 days)

## Regular Season

- Oct 19 – Jan 26 (100 days)



## Late Season

- White & and white-fronted geese Feb 8 – Feb 12 (5 days)
- 30/day: 20 white/10 dark geese

# **Goose Season Recommendation Continued...**

## **So San Joaquin Valley and So California Zones**

- Oct 19 – Jan 26 (100 days)
- 30/day: 20 white/10 dark geese in SSJV & 3 dark geese in So California Zone

## **Colorado River Zone**

- Oct 18 – Jan 26 (101 days)
- 20/day: up to 20 white/4 dark geese
- CA must match Arizona adjacent zone

# Brant Season Recommendation

## Northern Brant

➤ Nov 8 – Dec 14 (37 days)

## Balance of State Brant

➤ Nov 9 – Dec 15 (37 days)



# Special Management Area Recommendation

## North Coast

- Regular Season: Nov 1 – Jan 26 (87 days)
- Late Season: Feb 22 – Mar 10 (18 days)

## Klamath Basin

- White & white-fronted Geese: Oct 5 – Jan 17 (105 days)
- Canada Goose: Oct 5 – Jan 12 (100 days)

## Sac Valley

- Oct 19 – Dec 21 (64 days)

## Imperial Valley

- Regular Season: Nov 2 – Jan 26 (86 days)
- Late Season: Feb 8 – Feb 26 (19 days)



# Youth Hunt & Falconry Recommendation

## Youth Hunt Days

- NE Zone: Sept 21 – 22
- All other zones: Feb 1 – 2

## Falconry-Only

- Balance of State, So San Joaquin Valley, & So California Zones: Feb 5 – Feb 9 (5 days)
- Colorado River Zone: Jan 27 – Jan 30

# Jan 31 Closing Option - Future Seasons at a Glance

Season	Sat Opening	Closing Day	Season Length	Falconry Only
2019-20	Oct 19	Fri, Jan 31	105	0
2020-21	Oct 24	Sun, Jan 31	100	5
2021-22	Oct 23	Mon, Jan 31	101	4

# **Jan 31 Closure Option Ducks**

## **Balance of State, So San Joaquin Valley, & So California Zones**

- Regular Season: Oct 19 – Jan 31 (105 days)
- Scaup: Nov 7 – Jan 31 (86 days)

## **Northeast and Colorado River Zones**

- No change from Department recommendation



# **Jan 31 Closure Option Geese**

## **Balance of State Zone Early, Regular & Late Seasons**

- No change from Department recommendation

## **So San Joaquin Valley and So California Zones**

- Oct 19 – Jan 31 (105 days)

## **Colorado River Zone**

- No change from Department recommendation

# **Jan 31 Closure Option Special Management Areas**

## **North Coast**

- Regular Season: Nov 6 – Jan 31 (87 days)
- Late Season: no change from Department recommendation

## **Klamath Basin**

- No change from Department recommendation

## **Sac Valley**

- No change from Department recommendation

## **Imperial Valley**

- Regular Season: Nov 7 – Jan 31 (86 days)
- Late Season: no change from Department recommendation

# **Jan 31 Closure Option Youth Hunt & Falconry-Only**

## **Youth Hunt Days**

- NE Zone: Sept 21 – 22
- All other zones (except Colorado River Zone): Feb 8 – 9

## **Falconry-only**

- Bal of State, So San Joaquin Valley, & So California:  
no days available
- Colorado River Zone: Jan 27 – Jan 30

# Veteran-Active Military Hunt Days

- 2 days for Veteran-Active Military
- Can coincide with Youth Hunt Days
- Must be within 14 days of the regular duck season opening and closing dates
- Too late to consider for 2019/20 season
- Could combine with Youth Hunt Days BUT
  - Conflicts with intent of Youth Hunt Days
  - Youth Hunt Days popular so capacity reduced
  - Close season for 2-days during regular season?
  - Use 1 day for Youth and 2<sup>nd</sup> day for Veterans?

# Questions?



Melanie Weaver  
Waterfowl Program Leader  
(916)445-3717  
[Melanie.Weaver@wildlife.ca.gov](mailto:Melanie.Weaver@wildlife.ca.gov)

*Wildlife Branch*

