

State of California  
Fish and Game Commission  
Final Statement of Reasons for Regulatory Action

Amend Section 502  
Title 14, California Code of Regulations  
Re: Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule)

I. Dates of Statements of Reasons

- (a) Initial Statement of Reasons                      Date: November 1, 2020
- (b) Final Statement of Reasons                      Date: April 29, 2021

II. Dates and Locations of Scheduled Hearings

- (a) Notice Hearing  
                    Date: December 10, 2020                      Location: Teleconference
- (b) Discussion Hearing  
                    Date: February 10, 2021                      Location: Teleconference
- (c) Adoption Hearing  
                    Date: April 14, 2021                      Location: Teleconference

III. Update

At its April 14, 2021 meeting, the Fish and Game Commission (Commission) adopted the specific season lengths and daily bag limits for the 2021-22 waterfowl hunting season as set forth in the attached Final Regulatory Text. The Commission also adopted other minor editorial changes to clarify the regulations and to comply with the federal Frameworks established by the U.S. Fish and Wildlife Service (Service). The originally proposed regulatory language in the Initial Statement of Reasons contained a range of season lengths and daily bag limits, which were contingent upon the establishment of federal Framework regulations. These frameworks were proposed by the Service in October and specify the maximum season lengths and daily bag limits. In addition, federal regulations require the North Coast Special Management Area late goose season dates to conform to the adjacent zone in Oregon and require the Colorado River Zone to conform to the adjacent zone in Arizona.

IV. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations

- a) Comment Source: December 10, 2020, February 10, 2021 and April 14, 2021 public testimony from Mark Hennelly, California Waterfowl Association and Bill Gaines

Supports Department proposal.

Department Response: The Commission adopted the Department's proposal.

b) Comment Source: April 14, 2021 public testimony from Mark Smith

Concern on timing of Veteran Hunt days because it pushes back late goose season which affects opportunity; need to analyze data on involvement.

Department Response: The Commission adopted the Department's proposal. Veteran and Active Military Hunt Days can only occur up to 14 days before or after the regular waterfowl season. The late goose season was established to provide private land owners a tool to disperse depredate geese. Subadult geese can remain in the Sacramento Valley up until the beginning of April.

c) Comment Source: April 14, 2021 public testimony from Roy Griffith, California Rifle and Pistol Association and Rick Schussel

Support the Department's recommendation for waterfowl season and appreciates Veteran Hunt Days.

Department Response: The Commission adopted the Department's proposal.

d) Comment Source: April 9, 2021 letter from Mark Hennelly, California Waterfowl Association  
Supports Department proposal.

Department Response: The Commission adopted the Department's proposal.

e) Comment Source: March 10, 2021 letter from Johanna Rodoni, Humboldt County Farm Bureau

Recommends that the regular goose season in the North Coast Special Management Area (SMA) open concurrently with the regular goose season in the Balance of State Zone rather than opening the beginning of November.

Department Response: The Commission adopted the Department's proposal for season timing in the North Coast SMA. The North Coast SMA is comprised of both Humboldt and Del Norte counties. Goose season timing has been based upon the status and distribution of Aleutian geese, to maximize hunting opportunity and to reduce depredation on private lands. The Department is not opposed to modifying the regular goose season timing however, both counties need to agree. Correspondence from Del Norte County in 2020 indicated they did not support a change to the regular season timing.

f) Comment Source: April 9, 2021 email from Phil Brown, guide in Klamath Basin

Recommends that the Northeastern Zone open the second week of October as that has what has occurred for 30 years, would reduce conflict with the deer season, open when more water on Lower Klamath National Wildlife Refuge and easier to identify ducks.

Department Response: The Commission adopted the Department's proposal. The Northeastern Zone has alternated between opening the first and second Saturday in October, depending on how many weekends there are in October of a given year. Season timing for the Northeastern Zone is established on duck distribution and timing for the entire zone, not the Klamath Basin or a refuge within the Klamath Basin.

g) Comment Source: April 5, 2021 email from Greg Damitz, April 7, 2021 email from Tom Ehrich, April 8, 2021 email from Aaron Visger, April 9 email from George Spatta, Larry Loperena, Dave Harrell, Dan Malia, Ray Lyon, Dan Mayberry, John Martin, Paul Venker, Robert Richardson, Thomas Orgain, Tyler Gullick, Tony Belluomini, Jay Lauhon, Steve Sousa, Paolo Della

Bordella, Scott Eberhart, Daniel King, ebin577361, Michael Russell, Mike White, hi, Mike Dardzinski, Gunnar McClellan, Gene Bach, Steve Marvier, Will Baer, Dominic DeRoss, Richard Schussel

Support Department's recommendation, including mallard daily bag limit.

Department Response: The Commission adopted the Department's proposal.

h) Comment Source: April 9, 2021 email from Nick Lacopi

Recommends mallard daily bag limit be decreased from 7 to 5

Department Response: The Commission adopted the Department's proposal. Duck season Frameworks in the Pacific Flyway are established based on the best available science which suggests that this combination of season length and bag limit is the optimal choice for the 2021-22 season. Additionally, bag limit changes alone, unless substantial, will not reduce harvest by a measurable level because most hunters do not achieve the daily bag limit during each day's hunt. Thus, a reduction in the daily limit, without a reduction in season length, will not significantly change mallard harvest.

## V. Description of Reasonable Alternatives to Regulatory Action

### (a) Alternatives to Regulation Change

No other alternatives were identified.

### (b) No Change Alternative

- 1) The No Change Alternative would not increase the duck season length to 101 days in the Southern San Joaquin Valley, Southern California, and Balance of State zones.
- 2) The No Change Alternative would not increase the regular goose season length to 101 days in the Southern San Joaquin Valley and Southern California zones.
- 3) The No Change Alternative would not allow up to two days of falconry-only season in the Balance of State, Southern San Joaquin Valley and the Southern California zones.

### (c) Consideration of Alternatives

In view of information currently possessed, no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## 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 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 2021-22 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 2021-22 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 million to the state economy 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.

## Updated Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. The proposed Frameworks for the 2021-22 season were approved by the flyway councils in August and at the Service's Regulations Committee meeting in October. The Frameworks allow for a liberal duck season which includes: a 107-day season; a 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasback, 2 redheads, and 2 scaup (during an 86-day season); and closing no later than January 31. The duck daily bag limits and season length, as well as the season lengths for geese, are provided as ranges below, to allow the Commission flexibility in determining the final regulations.

A range of season length and bag limit (zero bag limit represents a closed season) are 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 2021 because 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/Policy Statement Overview section below 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 recommended changes to Section 502 are:

- 1) Increase the duck season length to 101 days in subsection 502(d)(2)(B) for the Southern San Joaquin Valley Zone, in subsection 502(d)(3)(B) for the Southern California Zone, and in subsection 502(d)(5)(B) for the Balance of State Zone.
- 2) Increase the goose season length to 101 days in subsection 502(d)(2)(B) for the Southern San Joaquin Valley Zone and in subsection 502(d)(3)(B) for the Southern California Zone.
- 3) Allow up to two days of falconry-only season in subsection 502(g)(1)(B)2 for the Balance of State Zone, in subsection 502(g)(1)(B)3 for the Southern San Joaquin Valley Zone and in subsection 502(g)(1)(B)4 for the Southern California Zone.

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 2021-22.

### Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

## Evaluation of incompatibility with existing regulations

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

## Summary of Proposed Waterfowl Hunting Regulations for 2021-22

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone	Ducks	No longer than 103 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Northeastern Zone <i>Season may be split for Scaup</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Northeastern Zone <i>Season may be split for Dark and White geese</i>	Geese	No longer than 105 days except for Canada geese which cannot exceed 100 days or beyond Jan 9	30/day, which may include: 20 white geese, 10 dark geese, no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone	Ducks	No longer than 101 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Scaup</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone	Geese	No longer than 101 days	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Southern California Zone	Ducks	No longer than 101 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Scaup</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Southern California Zone	Geese	No longer than 101 days	23/day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone	Ducks	No longer than 101 days	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks. 1 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Scaup</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Colorado River Zone	Geese	No longer than 101 days	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.
Balance of State Zone	Ducks	No longer than 101 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Scaup</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Balance of State Zone <i>Season may be split for Dark and White Geese.</i>	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.

#### SPECIAL MANAGEMENT AREAS

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	No longer than 105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in Jan	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 Jan 9	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	No longer than 105 days	20/day. Possession limit triple the daily bag.



YOUTH WATERFOWL HUNTING DAYS (NOTE: To participate in these Youth Waterfowl Hunts, youth must be accompanied by a non-hunting adult 18 years of age or older. Federal regulations require that hunters must be 17 years of age or younger.)

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	The first Saturday in February extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The first Saturday in February extending for 2 days.	Same as regular season
Colorado River Zone	Same as regular season	The first Saturday in February extending for 2 days.	Same as regular season
Balance of State Zone	Same as regular season	The first Saturday in February extending for 2 days.	Same as regular season

Veterans and Active Military Personnel Waterfowl Hunting Days (NOTE: Veterans (as defined in Section 101 of Title 38, United States Code) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than training), may participate.)

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Ducks, Coots, and Moorhens	No longer than 2 days.	Same as regular season
Balance of State Zone	Ducks, Coots, and Moorhens	No longer than 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	No longer than 2 days.	Same as regular season
Southern California Zone	Same as regular season	No longer than 2 days.	Same as regular season

#### FALCONRY

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Ducks, Coots, and Moorhens	No longer than 107 days.	3/day. Possession limit 9

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Balance of State Zone	Same as regular season	No longer than 107 days.	3/day. Possession limit 9
Southern San Joaquin Valley Zone	Ducks, Coots, and Moorhens	No longer than 107 days.	3/day. Possession limit 9
Southern California Zone	Same as regular season	No longer than 107 days.	3/day. Possession limit 9
Colorado River Zone	Ducks, Coots, and Moorhens	No longer than 107 days.	3/day. Possession limit 9

## **UPDATE**

**At the April 14, 2021 meeting, the Commission adopted the specific season lengths and daily bag limits for the 2021-22 waterfowl hunting season as set forth in the attached final Regulatory Language. The Commission also adopted other minor editorial changes to clarify the regulations and to comply with the federal Frameworks. The Final Environmental Document for Section 502, dated April 14, 2021 was also adopted and added to the rulemaking file after the 45 day notice period.**

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