

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 10, 2021
- (b) Final Statement of Reasons                      Date: April 29, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

    Date: December 15, 2021                      Location: Webinar/Teleconference

(b) Discussion Hearing

    Date: February 17, 2022                      Location: Webinar/Teleconference

(c) Adoption Hearing

    Date: April 21, 2022                      Location: Monterey, CA

III. Update

At its April 21, 2022 meeting, the Fish and Game Commission (Commission) adopted the specific season lengths and daily bag limits for the 2022-23 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 15, 2021, February 17, 2022 and April 21, 2022 public testimony from Mark Hennelly, California Waterfowl Association and Bill Gaines

    Supports Department proposal.

Response: The Commission adopted the Department's proposal.

- (b) Comment Source: April 21, 2022 public testimony from Jacob Pickett

    Supports Department proposal.

Response: The Commission adopted the Department's proposal.

No written comments were received by mail or email during the public comment period of the proposed regulatory action.

V. Location and Index of Rulemaking File

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission  
715 P Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814

VI. Location of Department Files

Department of Fish and Wildlife  
1010 Riverside Parkway  
West Sacramento, CA 95605

VII. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

An alternative was offered by the public regarding types of verification needed to participate in the Veterans and Active Military Personnel Waterfowl Hunting Days (VAMP Days). The proposal was to include the DD Form 214, Certificate of Release or Discharge from Active Duty, as valid verification of Veteran status to participate in VAMP Days.

This alternative was discussed in the Wildlife Resources Committee (WRC) meeting on September 16, 2021. The WRC cannot take action independent of the full Commission but makes recommendations concerning proposals to the full Commission. On September 16, 2021, the Department recommended changes for the 2022-23 waterfowl cycle, and the recommended changes did not include the use of the DD Form 214. The WRC supported the Department's recommendation and recommended adoption by the full Commission. The WRC wanted more time to vet the DD Form 214 with stakeholders and to air and address any potential concerns. The Commission subsequently adopted the Department's proposed approach (i.e., the adopted recommendation was to notice the rulemaking "as proposed by the Department", which did not include the alternative to allow use of DD Form 214).

Commission staff will recommend continued discussion of this alternative at upcoming WRC meetings for potential inclusion in a future waterfowl rulemaking.

(b) No Change Alternative

The No Change Alternative would retain the 2021-22 regulations for the 2022-23 season which may place the state out of compliance with federal regulations. This alternative was rejected because in prior rulemakings, the Commission preferred the latest possible closing date of January 31 and maintaining a traditional opening Saturday in late October. This results in an annual adjustment to the general duck season length; 102 days rather than 101 days for the 2022-23 season because of calendar progression. In addition, modifying the season length affects available days for falconry seasons, and must also be adjusted annually so as not to exceed 107 days. Lastly, the public requested the Department to shift two days from the Early Season for Canada geese to the Late Season. Permission was

received from the Service to modify federal Frameworks to allow a 3-way split for Canada geese in the Balance of State Zone.

(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.

(d) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None.

VIII. 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 2022-23 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 2022-23 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 for hunting of waterfowl. The proposed Frameworks for the 2022-23 season were approved by the four regional Flyway councils in August and at the U.S. Fish and Wildlife Service (Service's) Regulations Committee meeting in September. 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 2022 because the regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The proposed season length and bag limit will be updated per the Black Brant Harvest Strategy pending results of the January 2022 survey. See the Summary of Proposed Waterfowl Hunting Regulations for 2022-23 table, below.

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 102 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 102 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) Shift two days from the Early Season for Canada goose to the Late Season in subsection 502(d)(5)(B) for the Balance of State Zone. This reduces the Early Season for Canada geese to three days and allows two days of hunting for Canada geese during the Late Season.
- 4) 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. Continued benefits to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2022-23.

### 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 2022-23

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens (Gallinules)	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 8	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 102 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.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Southern San Joaquin Valley Zone	Geese	No longer than 102 days	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
Southern California Zone	Ducks	No longer than 102 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 102 days	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Balance of State Zone	Ducks	No longer than 102 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.
Balance of State Zone <i>Season may be split for Dark and White Geese.</i>	Geese	Early Season: [3-5] days (Canada goose only) Regular Season: no longer than 100 days  Late Season: Canada geese [0-2] days and white-fronted and white geese [3-5] days	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 8	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.



AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
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

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
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	Same as regular season	No longer than 107 days.	3/day. Possession limit 9
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 21, 2022 meeting, the Commission adopted the specific season lengths and daily bag limits for the 2022-23 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. The Final Environmental Document for Section 502, dated April 21, 2022 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.**