

STAFF SUMMARY FOR DECEMBER 13-14, 2023

3. WATERFOWL HUNTING**Today's Item**Information Action

Consider authorizing publication of notice of intent to amend waterfowl hunting regulations.

Summary of Previous/Future Actions

- | | |
|--|-----------------------------|
| • Wildlife Resources Committee vetting | September 19, 2023; WRC |
| • Today's notice hearing | December 13-14, 2023 |
| • Discussion hearing | February 14-15, 2024 |
| • Adoption hearing | April 17-18, 2024 |

Background

The Department requests changes to migratory waterfowl regulations as described in the draft initial statement of reasons and draft proposed regulatory language (exhibits 3 and 4) to comply with proposed frameworks for the 2024-2025 hunting seasons, as approved by the four regional flyway councils in August 2023 and by the U.S. Fish and Wildlife Service (USFWS) Regulation Committee in October 2023. Federally-proposed season frameworks are typically published in the Federal Register by mid-December and final frameworks published by late February of the following year.

While the flyway councils and USFWS process for updating federal regulations overlaps with the Commission's state process, USFWS has provided its proposals to each state to help ensure consistency between state and federal regulations.

Significant changes requested by the Department include:

- decreasing the duck season length from 103 to 98 days for the Southern San Joaquin Valley Zone, the Southern California Zone, and the Balance of State Zone.
- decreasing the goose season length from 103 to 98 days for the Southern San Joaquin Valley Zone and the Southern California Zone, and from 100 to 98 for the Balance of State Zone.
- allowing up to five days of falconry-only season for the San Joaquin Valley, Southern California and Balance of State zones.

The proposed regulations also include an option that would allow geese to be taken during the Veterans and Active Military Personnel waterfowl hunting days for the Balance of State Zone.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Authorize publication of a notice of intent to amend regulations as recommended by the Department.

Wildlife Resources Committee: Authorize publication of a notice of intent to amend regulations as recommended by the Department.

STAFF SUMMARY FOR DECEMBER 13-14, 2023

Department: Authorize publication of a notice of intent to amend regulations as described in the draft initial statement of reasons (ISOR) and draft proposed regulatory language.

Exhibits

1. [Department memo, received November 20, 2023](#)
2. [Draft economic and fiscal impact statement \(STD 399\)](#)
3. [Draft migratory waterfowl ISOR](#)
4. [Draft proposed regulatory language](#)
5. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend Section 502 related to waterfowl hunting regulations.

Memorandum

Date: November 17, 2023

Signed original on file,
Received November 20, 2023

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

From: Charlton H. Bonham
Director

Subject: **Agenda Item for December 2023 Fish and Game Commission Meeting: Initial Statement of Reasons to Amend Subsection Section 502, Title 14, California Code of Regulations (CCR), Waterfowl, Migratory, American Coot and Common Moorhen**

The Department of Fish and Wildlife (Department) requests that the Fish and Game Commission (Commission) authorize publishing notice of its intent to amend section 502 of Title 14, CCR. The Department is proposing the following changes to the existing waterfowl regulations for the 2024-25 season:

- 1) Decrease the duck season length from 103 to 98 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) Decrease the goose season length from 103 to 98 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 from 100 to 98 days in subsection 502(d)(5)(B) for the Balance of State Zone.
- 3) Allow geese to be taken during Veterans and Active Military Personnel Waterfowl Hunting Days in subsection 502(f)(B)4. for the Balance of State Zone.
- 4) Allow up to five days of falconry-only season in subsection 502(g)(1)(B)1. for the San Joaquin Valley, Southern California and Balance of State zones.

If you have any questions regarding this item, please contact Scott Gardner, Wildlife Branch Chief, at (916) 801-6257. The public notice for this rulemaking should identify Senior Environmental Scientist, Melanie Weaver as the Department's point of contact. She can be reached at (916) 502-1139 or waterfowlmgmt@wildlife.ca.gov.

Attachments

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Scott Gardner, Branch Chief
Wildlife Branch

Melissa Miller-Henson, Executive Director
Fish and Game Commission
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Mario Klip, Game Conservation Manager
Wildlife Branch

Melanie Weaver, Waterfowl Coordinator
Wildlife Branch

Cooper Wilce, Attorney
Office of General Counsel

Robert Pelzman, Assistant Chief
Law Enforcement Division

Ona Alminas, Env. Program Manager
Regulations Unit

Mike Randall, Analyst
Regulations Unit

Ari Cornman, Wildlife Advisor
California Fish and Game Commission

David Thesell, Program Manager
California Fish and Game Commission

Maurene Trotter, Analyst
California Fish and Game Commission

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME Fish and Game Commission	CONTACT PERSON David Thesell	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916 902-9291
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Sect. 502, Title 14, CCR re: Waterfowl, Migratory; American Coot and Common Moorhen 2024-25			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- a. Impacts business and/or employees e. Imposes reporting requirements
 b. Impacts small businesses f. Imposes prescriptive instead of performance
 c. Impacts jobs or occupations g. Impacts individuals
 d. Impacts California competitiveness h. None of the above (Explain below):

Annual conformance with Federal Regulations introduces no cost impacts

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.

If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- Below \$10 million
 Between \$10 and \$25 million
 Between \$25 and \$50 million
 Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a [Standardized Regulatory Impact Assessment](#) as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: Statewide
 Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? YES NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ _____

4. Will this regulation directly impact housing costs? YES NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? YES NO

Explain the need for State regulation given the existence or absence of Federal regulations: _____

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: specific statutory requirements, or goals developed by the agency based on broad statutory authority?

Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ _____ Cost: \$ _____

Alternative 1: Benefit: \$ _____ Cost: \$ _____

Alternative 2: Benefit: \$ _____ Cost: \$ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? YES NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? YES NO***If YES, complete E2. and E3
If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

 YES NO*If YES, agencies are required to submit a [Standardized Regulatory Impact Assessment \(SRIA\)](#) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

a. Implements the Federal mandate contained in _____

b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

3. Annual Savings. (approximate)

\$ _____

4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

5. No fiscal impact exists. This regulation does not affect any local entity or program.

6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:

a. Absorb these additional costs within their existing budgets and resources.

b. Increase the currently authorized budget level for the _____ Fiscal Year

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any State agency or program.

4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE



The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY

DATE



Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



State of California
Fish and Game Commission
Initial 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. Date of Initial Statement of Reasons: October 2, 2023

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 13, 2023

Location: San Diego, CA

(b) Discussion Hearing

Date: February 15, 2024

Location: Sacramento, CA

(c) Adoption Hearing

Date: April 18, 2024

Location: San Jose, CA

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory 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 shall 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 2023 and the regulatory alternatives selected for the 2023 hunting season will be used to develop the Frameworks for the 2024-25 season.

States may make recommendations to change the Frameworks. These recommendations are made to the four regional Flyway councils in late summer (July, August or September). Flyway 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 September or October. Proposed season Frameworks are typically published in the Federal Register 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 state regulations that specify hunting season dates and daily bag limits.

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 2024-25 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 2024. The black brant 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 2024 survey. See the Summary of Proposed Waterfowl Hunting Regulations for 2024-25 table in the Informative Digest/Policy Statement Overview for the range of season and bag limits.

Lastly, federal regulations provide that California's hunting regulations shall 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) Decrease the duck season length to 98 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.

The existing duck season length for the referenced zones is 103 days. Adjusting the season length from 103 to 98 days is necessary for the upcoming season in order to close on January 31 and maintain a traditional opening Saturday in late October. In prior rulemakings, the Commission adopted the latest possible closing date of January 31 rather than the historical closing day of the last Sunday in January. This annual adjustment also results in modifications to falconry-only seasons.

- 2) Decrease the goose season length to 98 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.

The existing goose season length for the Southern San Joaquin Valley and Southern California zones is 103 days and 100 days in the Balance of State Zone. See item 1 above for the justification. This annual adjustment also results in modifications to Veterans and Active Military Personnel Waterfowl Hunting Days (VAMP Days) and falconry-only seasons.

- 3) Allow geese to be taken during VAMP Days in subsection 502(f)(B)4 for the Balance of

State Zone.

The existing regulation does not allow geese because all available hunting days in the Balance of State Zone were allocated prior to implementation of VAMP Days. See item 1 above. The decrease in the goose season to 98 days allows the option of goose hunting during VAMP Days in this zone while still offering the existing early and late goose seasons. See option 2 in regulatory text in subsection 502(f)(B)4. However, in future rulemakings, either modifying the timing or reducing the Late Season will need to be considered to allow goose hunting during VAMP Days in this zone.

- 4) Allow up to five days of falconry-only season in subsection 502(g)(1)(B) for the Southern San Joaquin Valley, Southern California and Balance of State zones.

The existing regulation does not allow a falconry-only season because all available hunting days have been allocated. The length of the falconry-only season is contingent upon the number of days used for the general duck and goose seasons, in addition to the Youth and Veteran Hunt Days, as seasons cannot exceed 107 days.

In addition, an alternative was offered by the public regarding timing of the Late Season for geese in subsection 502(d)(5)(B) for the Balance of State Zone, see item IV below. The proposal was to move the Late Season for geese to coincide with VAMP Days in subsection 502(f)(B)4. Two options have been provided for consideration to both subsections: option 1 retains the closure of geese on Type A and B wildlife areas during the Late Season and does not allow geese during VAMP Days; option 2 allows goose hunting during the Late Season on Type A and B wildlife areas and allows geese during VAMP Days.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal Frameworks.

(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, while providing for balanced hunting opportunity, consistent with Commission and Department policies.

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

Authority: Section(s) 265 and 355, Fish and Game Code

Reference: Section(s) 265, 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 (WRC) meeting held on September 19, 2023, and a public scoping session will be held in late November 2022.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

An alternative was offered by the public regarding timing of the Late Season for geese in the Balance of State Zone. The proposal was to move the Late Season for geese to coincide with the VAMP Days. The current regulation for VAMP Days in this zone does not allow geese because all goose days have been allocated. This was discussed at the Wildlife Resources Committee (WRC) meeting on September 19, 2023. The WRC indicated further consideration of this proposal would be warranted.

The Department did not include this recommendation because the intent of the Late Season for geese. The Late Season was implemented for the 2011-12 season as a tool to alleviate crop depredation on private pasture lands due to increasing concerns raised by the agricultural community. The timing of the Late Season was placed in later February when geese were still present in large concentrations in the Balance of State Zone. Further, the Type A and B wildlife areas are closed during the Late Season so geese can move onto public lands.

The Department has recommended to maintain the timing and length for the Early and Late goose seasons, and a 98 day Regular Season for geese. This allows goose hunting during the two VAMP days (see item 3 above). However, in the following seasons (2025-26 and later) the Regular Season length increases so excess goose days for VAMP Days is reduced or eliminated. For the 2025-26 season, the Late Season would have to be reduced to allow geese during VAMP Days in addition to ducks. Prior to moving the Late Season, the Department would like feedback from the agricultural community on the effectiveness of the regulation to alleviate crop depredation. The Department is concerned about reducing the effectiveness of the Late Season for geese, regulation complexity, and enforcement concerns.

(b) No Change Alternative

The No Change Alternative would retain the 2023-24 regulations for the 2024-25 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 season length; 98 days rather than 103 days for the 2024-25 season because of calendar progression. In addition, modifying the season length affects available days for falconry-only seasons, and must also be adjusted annually so as not to exceed 107 days.

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 are expected to maintain a similar level of recreational waterfowl hunting opportunity for the public. Shifting days for general duck season affects available days for falconry-only seasons, which must also be adjusted annually so total season length does not exceed 107 days.

(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 2024-25 waterfowl hunting season dates and bag limits within the federal Frameworks. The total hunting season length of 107 remains the same, with only modifications to the season types (duck, goose or falconry-only) will have little to no impacts to jobs and/or businesses that provide services to waterfowl hunters. The Commission anticipates that the proposed 2024-25 waterfowl hunting regulations provide benefit for the health and welfare of California residents by providing opportunity for outdoor activity. The Commission expects no benefits to worker safety but does expect benefit to the environment in that setting these regulations facilitates maintenance of sufficient waterfowl populations and their habitats while providing for the public's beneficial use and enjoyment. The most recent Service 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. However, minor variations in hunting regulations such as the ones proposed for waterfowl are, by themselves, unlikely to provide notable economic stimulus to the state. Businesses that support waterfowl hunting are generally small businesses employing a few individuals and, like all small businesses, are subject to failure for a variety of causes. 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

The proposed conformance to federal regulations is expected to maintain similar levels of hunting opportunity and activity as previous seasons such that little to no net impacts on the creation or elimination of jobs are anticipated within the state from the adoption of the proposed waterfowl hunting regulations for the 2024-25 season. The most recent Service National Survey of Fishing, Hunting, and Wildlife-Associated Recreation for California estimated that waterfowl hunters contributed about \$169,115,000 to businesses in California during the 2011 waterfowl hunting season. The proposed regulations in themselves should not affect the typical level of waterfowl hunting expenditures. Businesses within the state that provide goods and services to waterfowl hunters are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. 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 National Survey is posted on the U.S. Census Bureau website <https://www.census.gov/content/dam/Census/library/publications/2014/demo/fhw11-nat.pdf> and the 2011 National Survey of Fishing and Hunting, and Wildlife-Associated Recreation Report for California can be found at <https://www2.census.gov/programs-surveys/fhwar/publications/2011/fhw11-ca.pdf>.

(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 minor variations in season lengths 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.

(d) 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.

(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 1801, it is the policy of the state to encourage the preservation, conservation, and maintenance of waterfowl resources for all citizens of the state. The objectives of this policy include, but are not limited to, maintenance of sufficient populations and their habitats, provide for beneficial use and enjoyment, to perpetuate the waterfowl resource for their intrinsic and ecological values, and to maintain diversified recreation use including sport hunting consistent with the status of this resource. Adoption of scientifically based waterfowl hunting regulations provides for the maintenance of sufficient waterfowl populations to ensure these objectives are met. Further, the fees that hunters pay for licenses and stamps fund wildlife conservation.

(g) Other Benefits of the Regulation

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

Proposed Regulatory Language

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)]

(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 103 days.</p> <p>Scaup: from the first Saturday in October extending for a period of 58 days and from the third Thursday in December extending for a period of 28 days.</p> <p><u>[Opening no earlier than the first Saturday in October and closing no later than January 31. Season may be split into two segments and no longer than 103 days except for scaup season can be no longer than 86 days.]</u></p>	<p>Daily bag limit: 7<u>[4-7]</u></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7<u>[3-7]</u> mallards, but not more than 2<u>[1-2]</u> females. • 1 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 2 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>

<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Geese	<p>Regular Season: Small and Large Canada Geese: from the first Saturday in October extending for 100 days. [Opening no earlier than the first Saturday in October and closing no later than January 12. Season will be no longer than 100 days.]</p> <p>White-fronted and white geese from the first Saturday in October extending for a period of 58 days and from January 4 extending for a period of 14 days. [Opening no earlier than the first Saturday in October and closing no later than January 31. Season may be split into two segments and no longer than 100 days.]</p> <p>Late Season: White-fronted and white geese from February 7 extending for 33 days. [Season will be no longer than 34 days and closing no later than March 10.]</p> <p>During the Late Season, hunting is only permitted on Type C wildlife areas listed in sections 550-552, navigable waters, and private lands with the permission of the landowner under provisions of Section 2016, Fish and Game Code.</p> <p>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>	<p>Daily bag limit: 30</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)). <p>Possession limit: triple the daily bag limit.</p>

(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)	<p>From the third Saturday in October extending for 103 days.</p> <p>Scaup: from November 7 extending for 86 days. <u>Opening no earlier than the fourth Saturday in October and closing no later than January 31. Season may be split into two segments and no longer than 98 days except for scaup season can be no longer than 86 days.</u></p>	<p>Daily bag limit: 7<u>[4-7]</u></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7<u>[3-7]</u> mallards, but not more than 2<u>[1-2]</u> females. • 1 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 2 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>
Geese	<p>From the third Saturday in October extending for 103 days. <u>Opening no earlier than the fourth Saturday in October and closing no later than January 31. Season will be no longer than 98 days.</u></p>	<p>Daily bag limit: 30</p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 10 dark geese (see definitions: 502(a)). <p>Possession limit: triple the daily bag limit.</p>

(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)	<p>From the third Saturday in October extending for 103 days.</p> <p>Scaup: from November 7 extending for 86 days. <u>Opening no earlier than the fourth Saturday in October and closing no later than January 31. Season may be split into two segments and no longer than 98 days except for scaup season can be no longer than 86 days.</u></p>	<p>Daily bag limit: 7<u>[4-7]</u></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7<u>[3-7]</u> mallards, but not more than 2<u>[1-2]</u> females. • 1 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 2 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>

<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
Geese	<p>From the third Saturday in October extending for 103 days. <u>[Opening no earlier than the fourth Saturday in October and closing no later than January 31. Season will be no longer than 98 days.]</u></p>	<p>Daily bag limit: 23 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 3 dark geese (see definitions: 502(a)). <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 October 23 extending for 101 days.</p> <p>Scaup: from November extending for 86 days.</p>	<p>Daily bag limit: 7 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7 mallards, but not more than 2 females or Mexican ducks. • 1 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 2 scaup (either sex). <p>Possession limit: triple the daily bag limit.</p>
Geese	From October 23 extending for 101 days.	<p>Daily bag limit: 24<u>25</u> Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • <u>45</u> dark geese (see definitions: 502(a)). <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).	<p>From the third Saturday in October extending for 103 days.</p> <p>Scaup: from November 7 extending for 86 days. <u>Opening no earlier than the fourth Saturday in October and closing no later than January 31. Season may be split into two segments and no longer than 98 days except for scaup season can be no longer than 86 days.]</u></p>	<p>Daily bag limit: 7 <u>[4-7]</u></p> <p>Daily bag limit may include:</p> <ul style="list-style-type: none"> • 7 <u>[3-7]</u> mallards, but not more than 2 <u>[1-2]</u> females. • 1 pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 2 scaup (either sex). <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 3 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 <u>opening no earlier than the fourth Saturday in October and closing no later than January 31. Season will be no longer than 98 days</u> 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: Canada geese from <u>opening after January 31 and closing no later than March 10. Season will be no longer than 2 days</u> the third Saturday in February extending for 2 days.</p> <p>White-fronted and white geese from <u>opening after January 31 and closing no later than March 10. Season will be no longer than 5 days</u> the third 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.</p> <p>Option 1: 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>Option 2: During the Late Season, hunting is not permitted on wildlife areas listed in sections 550-552</p>	<p>Daily bag limit: 30 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 10 dark geese EXCEPT in the Sacramento Valley Special Management Area where only 3 may be white-fronted geese (see definitions: 502(a)). <p>Possession limit: triple the daily bag limit.</p>
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<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
	EXCEPT on Type C wildlife areas in the North Central and Central regions.	

(6) Special Management Areas (see descriptions in 502(b)(6))

	<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
1. North Coast	All Canada Geese	<p>From October 7 extending for a period of 77 days (Regular Season) and from February 12 extending for a period of 28 days (Late Season). <u>Season may be split and closing no later than March 10. Season will be no longer than 105 days.</u></p> <p>During the Late Season, hunting is only permitted on private lands with the permission of the landowner 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>Small and Large Canada Geese <u>opening no earlier than the first Saturday in October and closing no later than January 12. Season will be no longer than 100 days]</u> from the first Saturday in October extending for 100 days.</p> <p>White-fronted and white geese <u>opening no earlier than the first Saturday in October and closing no later than January 31. Season will be no longer than 105 days]</u> from the first Saturday in October extending</p>	<p>Daily bag limit: 30 Daily bag limit may include:</p> <ul style="list-style-type: none"> • 20 white geese. • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)). <p>Possession limit: triple the daily bag limit.</p>

	<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag and Possession Limits</i>
		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	From November 18 extending for 27 days. <u>[Season will be between 0 and 37 days, closing no later than December 14.]</u>	Daily bag limit: 2 Possession limit: triple the daily bag limit.
8. Balance of State Brant	Black Brant	From November 19 extending for 27 days. <u>[Season will be between 0 and 37 days, closing no later than December 15.]</u>	Daily bag limit: 2 Possession limit: triple the daily bag limit.
9. Imperial County	White Geese	From November 4 extending for a period of 89 days (Regular Season) and February 1-2, 2024, February 5-9, 2024 and February 12-20, 2024 (Late Season). <u>[Season may be split and closing no later than March 10. Season will be no longer than 105 days.]</u> During the Late Season, hunting is only permitted on private lands with the permission of the landowner 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, 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.)

(1) Statewide Provisions.

<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag Limit</i>
Ducks (including Mergansers), American Coot, Common Moorhen, Black Brant, Geese	<ol style="list-style-type: none"> 1. Northeastern California Zone: The Saturday fourteen days before the opening of waterfowl season extending for 2 days. 2. Southern San Joaquin Valley Zone: The first Saturday in February extending for 2 days. 3. Southern California Zone: The first Saturday in February extending for 2 days. 4. Colorado River Zone: The Saturday following the closing of waterfowl season extending for 2 days. 5. Balance of State Zone: The first Saturday in February extending for 2 days. 	Same as regular season.

(f) Veterans and Active Military Personnel Waterfowl Hunting Days Regulations.
 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. Persons participating in this special hunt must possess and present upon demand verification of eligibility to participate in this hunt. Verification includes: Veteran's ID Card, or Military ID Card for active duty, or a State-issued driver's license or Identification Card with Veteran Designation.

(1) Statewide Provisions.

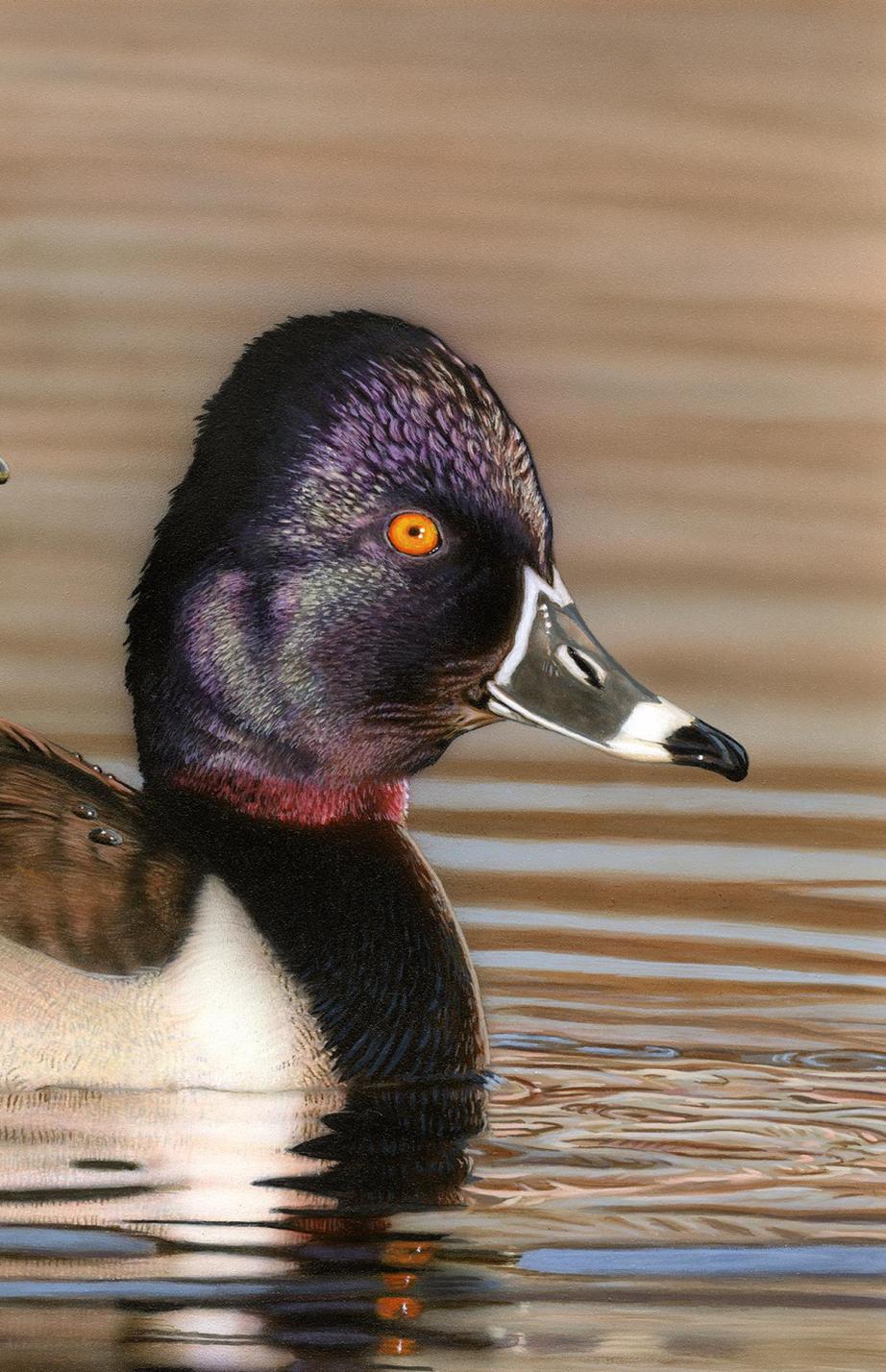
<i>(A) Species</i>	<i>(B) Season</i>	<i>(C) Daily Bag Limit</i>
Ducks (including Mergansers), Geese, American Coot, Common Moorhen	1. Northeastern California Zone: The Saturday following the closing of the regular duck season extending for 2 days. Goose hunting in this zone is not permitted during these days. 2. Southern San Joaquin Valley Zone: The second Saturday in February extending for 2 days. 3. Southern California Zone: The second Saturday in February extending for 2 days. 4. Balance of State Zone: The second Saturday in February extending for 2 days. Option 1: Goose hunting in this zone is not permitted during these days. Option 2: Goose hunting in this zone is not permitted during these days.	Same as regular season.

(g) 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>
<p>Ducks (including Mergansers), Geese, American Coot and Common Moorhen</p>	<p>1. Northeastern California Zone. Open concurrently with duck season through January 17, 2024. [No longer than 107 days.]</p> <p>2. Balance of State Zone. Open concurrently with duck season, February 3-4, 2024 and February 17-18, 2024. [No longer than 107 days.] 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, February 3-4, 2024 and February 17-18, 2024 [No longer than 107 days.] Goose hunting in this zone by means of falconry is not permitted.</p> <p>4. Southern California Zone. Open concurrently with duck season, February 3-4, 2024 and February 17-18, 2024. [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.</p>	<p>Daily bag limit: 3 Daily bag limit makeup: • Either all of 1 species or a mixture of species allowed for take. Possession limit: 9</p>
	<p>5. Colorado River Zone. Open concurrently with duck season and February 1-4, 2024. [No longer than 107 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.</p>	

Note: Authority cited: Sections 265 and 355, Fish and Game Code.
Reference: Sections 265, 355 and 356, Fish and Game Code.



2024-25 SECTION 502 WATERFOWL HUNTING

Regulation Notice

PRESENTATION TO THE CALIFORNIA FISH AND GAME COMMISSION

December 13, 2023

Melanie Weaver

Wildlife Branch



Overview

- **Federal Frameworks**
- **Recommendation**



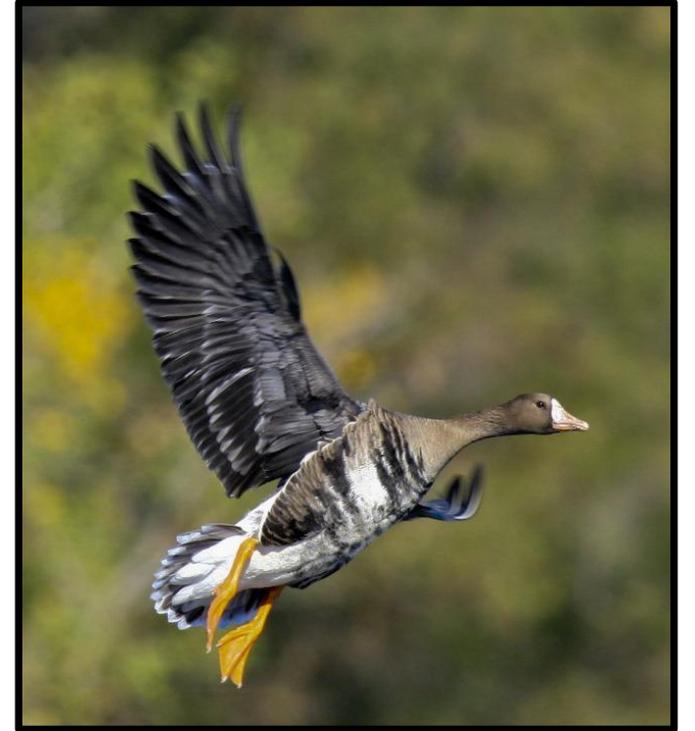
Tribal Outreach

- Notification letter and email sent to all CA Native American Tribes in early October 2023



Federal Frameworks

- **Liberal package for ducks (no change)**
 - 107-day seasons, 7 ducks/day for most species
- **Geese (no change)**



Recommendation

- **Maintain Jan 31 closure for ducks**
- **Most zones decreased to 98 days for regular duck and goose season**
- **Allow geese during Veteran and Active Military Days in Balance of State Zone**
 - **Public requested to move late goose season to overlap Veterans and Active Military Days**
- **Allow up to 5-days for the falconry-only season**



Questions | Contact



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Wildlife Branch/Game Programs

[Redacted contact information]