

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: October 2, 2023
- (b) Final Statement of Reasons                      Date: April 29, 2024

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 13, 2023                      Location: San Diego

(b) Discussion Hearing

Date: February 15, 2024                      Location: Sacramento, CA

(c) Adoption Hearing

Date: April 18, 2024                      Location: San Jose

III. Update

At its April 18, 2024 meeting, the Fish and Game Commission (Commission) adopted the specific season lengths and daily bag limits for the 2024-25 waterfowl hunting season as provided in the Final Regulatory Language (attached). 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, contingent upon the establishment of federal Frameworks. These frameworks were proposed by the Service in October and specify the maximum season lengths and daily bag limits. In addition, they also indicate that the North Coast Special Management Area late goose season dates should be concurrent with the adjacent zone in Oregon, and the Colorado River Zone season dates and daily bag limits should be concurrent with 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: April 18, 2024 public testimony from Chris Bulls (California Bowman Hunters Association), Mark Hennelly (California Waterfowl Association), Bill Gaines, Mark Smith, Ric Schussel and Steve Marvier

Supports Department proposal except for regular season closing January 31; feel would negatively impact the Youth Hunt Days which are February 1-2.

Response: The Commission adopted the Department's proposal. Due to timing the Commission did not want to edit the proposed regulations and encouraged stakeholders to start conversations with the Department earlier for the next year's regulations.

- (b) Comment Source: February 15, 2023 public testimony from Mark Henley (California Waterfowl Association), Bill Gaines, and James Stone (NorCal Guides and Sportsmans's Association)

All support the proposed changes regarding the veteran hunt days and agree with the Department's recommendations.

Response: The Commission adopted the Department's proposal.

- (c) Comment Source: February 15, 2023 public testimony from Dave Valle (Plumas County Fish and Game Commission)

Suggests that the bag limit for Canadian geese should be increased to reflect the limits in Oregon.

Response: The Commission adopted the Department's proposal and encouraged stakeholders to continue working with the Department to find a solution for hunting dates.

- (d) Comment Source: February 13, 2024 letter from Chris Reardon (California Farm Bureau)

Goose hunting should not be allowed on public lands during the late season and the season length should not be reduced.

Response: The Commission adopted the Department's proposal.

- (e) Comment Source: March 12, 2024 email from Dustin Kuehn

Requests the season dates in the North Coast Special Management Area be moved back to season beginning in early November and ending January 31.

Response: The Commission adopted the Department's proposal.

- (f) Comment Source: December 13, 2023 public testimony from Mark Hennelly (California Waterfowl Association), Bill Gaines, and James Stone (NorCal Guides and Sportsman's Association)

Requests the ability to allow geese to be taken during Veterans and Active Military Personnel Waterfowl Hunting (VAMP) Days and appreciates falconry only days.

Response: The Commission adopted the Department's proposal and encouraged stakeholders to continue working with the Department to find a solution for hunting dates.

- (g) Comment Source: December 13, 2023 public testimony from Katie Little (California Farm Bureau)

There is concern with moving the late goose season as geese combined with drought cause significant damage to agricultural lands. Working on an impact study and will provide data as soon as possible.

Response: The Commission recommends that stakeholders continue to work with the Department to fine tune the regulations.

V. 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 late 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 due to the Commission's preference for 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.

(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.

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 opportunities 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 2023-24 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 2023-24 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

None.

(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. Documents Supporting Regulatory Change

- a. Pending 2024-25 Frameworks for Migratory for Migratory Bird Hunting Regulations, U.S. Fish and Wildlife Service Federal Register, Vol. 89, No. 93
- b. 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, U.S. Fish and Wildlife Service.

## 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 2024-25 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 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, below.

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.
- 2) Decrease the goose season length to 98 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 geese to be taken during Veterans and Active Military Personnel Waterfowl Hunting (VAMP) 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) for the Southern San Joaquin Valley, Southern California and Balance of State zones.

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. 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 in the regulatory text 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.

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.

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 2024-25.

#### 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.

#### Update

**The Department recommendation to allow geese to be taken during the VAMP Days for the Balance of State Zone was amended based on public input. Rather than allow the take of geese by using 2 extra goose days during VAMP Days, the Late Season for geese was moved to coincide with VAMP Days, allowing geese to be taken on both public and private lands. Public hunt areas will remain closed during the Late Season for geese.**

**At the April 18, 2024 meeting, the Commission adopted the specific season lengths and daily bag limits for the 2024-25 waterfowl hunting season as provided 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 18, 2024 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.**

## Summary of Proposed Waterfowl Hunting Regulations for 2024-25

Area	Species	Seasons	Daily Bag & Possession Limits
Statewide	Coots & Moorhens (Gallinules)	Concurrent w/duck season	25/day. Possession limit triple the daily bag.
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 12	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 98 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 98 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 98 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 98 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 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	25/day, up to 20 white geese, up to 5 dark geese. Possession limit triple the daily bag.
Balance of State Zone	Ducks	No longer than 98 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: 3 days (Canada goose only) Regular Season: no longer than 98 days Late Season: Canada geese no longer than 2 days and white-fronted and white geese no longer than 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 Jan 31	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 12	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.)

<b>Area</b>	<b>Species</b>	<b>Season</b>	<b>Daily Bag &amp; Possession Limits</b>
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	The first 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.

<b>Area</b>	<b>Species</b>	<b>Season</b>	<b>Daily Bag &amp; Possession Limits</b>
Northeastern Zone	Ducks, Coots, and Moorhens	The Saturday following the closing of the regular duck season extending for 2 days.	Same as regular season
Balance of State Zone	Same as regular season	The second Saturday in February extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	The second Saturday in February extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The second Saturday in February extending for 2 days.	Same as regular season

Falconry

<b>Area</b>	<b>Species</b>	<b>Season</b>	<b>Daily Bag &amp; Possession Limits</b>
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