

State of California
Fish and Game Commission
Amended 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: December 31, 2024

II. Date of Amended Initial Statement of Reasons: March 11, 2025

III. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 12, 2024

Location: Sacramento, CA

(b) Discussion Hearing

Date: February 12, 2025

Location: Sacramento, CA

(c) Adoption Hearing

Date: April 16, 2025

Location: Sacramento, CA

IV. Description of Regulatory Action

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

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR). Changes in the Initial Statement of Reasons since the publication on January 10, 2025 are designated by underline and strikethrough.

The U.S. Fish and Wildlife Service (Service) annually establishes federal regulation frameworks (Frameworks) for migratory bird hunting. California sets 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 population (including the California Breeding Population Survey) and habitat conditions observed in 2024 and the regulatory alternatives selected for the 2024 hunting season are used to develop the Frameworks for the 2025-26 season.

States may make recommendations to change the Frameworks. Recommendations are made to the four Flyway councils in late summer (August or September). Flyway councils review, and elect to approve and forward to the Service. The Service considers recommendations at the

Service's Regulation Committee public meeting held in November. 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, and 2024-25 season opening and closing dates, and daily bag and possession limits for hunting of waterfowl. The proposed Frameworks for the 2025-26 season were approved by the Flyway councils in August and will be considered at the Service's Regulations Committee meeting in November. 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, 3 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 limits (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 Fall Brant Survey is conducted in October 2024. The black brant regulatory package is determined by the most current Fall 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 fall 2024 survey by the February 2025 Commission meeting. See the Summary of Proposed Waterfowl Hunting Regulations for 2025-26 table below for the range of season and bag limits.

Lastly, federal regulations provide that California's hunting regulations should 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) Provide a range of duck season lengths between 99 and 103 days in subsection 502(d)(2)(B) for the Southern San Joaquin Valley Zone, subsection 502(d)(3)(B) for the Southern California Zone, and subsection 502(d)(5)(B) for the Balance of State Zone

The existing duck season length for the referenced zones is 98 days. This proposal provides a range of season dates for consideration. In prior rulemakings based on public input, the Commission adopted the latest possible closing date of January 31 and the traditional opening Saturday in late October, which necessitated an annual adjustment to the season length. Duck season length selection determines the available days for falconry-only seasons. A specific recommendation will be made after public input and discussion.

- 2) Provide a range of season lengths for the goose regular season between 99 and 103 days in subsection 502(d)(2)(B) for the Southern San Joaquin Valley Zone, and subsection 502(d)(3)(B) for the Southern California Zone; and between 99 and 100 days in subsection 502(d)(5)(B) for the Balance of State Zone.

The existing regular season length for is 98 days in the Southern San Joaquin Valley, Southern California and Balance of State zones. See item 1 above for the justification. Goose season length selection determines the available days for falconry-only seasons.

- 3) Increase the pintail daily bag limit in all zones, subsections 502(d)(1 through 5)(C) to 3.

The existing regulation allows a daily bag limit of 1 pintail based on the prior harvest strategy, developed in 2010. The Frameworks now allow a daily bag limit of 3 based on the new pintail harvest strategy adopted in October 2024. The new strategy uses an integrated population model that considers breeding population size, banding data, and harvest estimates to calculate a fall flight. The harvest strategy seeks a balance of objectives by conserving pintail in perpetuity, providing hunting when the observed breeding population is above 1.2 millions birds; and allowing a liberal season length with a 3-bird bag limit when the population size and expected fall flight are large enough to support the estimated harvest (the prior strategy did not allow a 3-bird bag limit). Allowing a 3-bird daily bag limit as a regulatory option has been a long standing goal of both the Department and the Pacific Flyway Council.

The strategy is on an interim basis until three 3-bird seasons have been experienced, which could take five to six years. The review of the interim phase by all flyways and the Service will include evaluation of the integrated population model (ensuring parameters remained stable), harvest models, and regulatory package performance metrics.

- 4) Consider swapping the timing of Youth Hunt Days in subsections 502(e)(1)(B)2., 3., and 5. with the Veterans and Active Military Personnel Waterfowl Hunting Days (VAMP Days) in subsections 502(f)(1)(B)2. through 4. for the Southern San Joaquin Valley, Southern California and Balance of State zones.

Currently, the Youth Hunting Days occur the Saturday following the close of waterfowl season and VAMP Days the following weekend. Some members of the public are concerned that when the waterfowl season closes within a few days of the Youth Hunting Days the hunting experience is reduced. Swapping the timing may allow extra hunting days for the general public while minimizing disturbance to the Youth Hunting Day experience. This option would eliminate goose hunting during the VAMP Days in the Balance of State Zone.

- 5) Allow up to four days of falconry-only season in subsections 502(g)(1)(B)2. through 4. for the Southern San Joaquin Valley, Southern California and Balance of State zones.

The existing regulation allows a five day falconry-only season. 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.

Summary of Proposed Waterfowl Hunting Regulations for 2025-26

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 <i>Season may be split</i>	Ducks	No longer than 103 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 3 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Northeastern Zone <i>Season may be split</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Northeastern Zone <i>Season may be split</i>	Geese	No longer than 105 days except for Canada geese which cannot exceed 100 days or beyond Jan 11	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 <i>Season may be split</i>	Ducks	No longer than 103 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 3 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone	Geese	No longer than 103 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 <i>Season may be split</i>	Ducks	No longer than 103 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 3 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Southern California Zone	Geese	No longer than 103 days	23/day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone	Ducks	From Oct. 23 for 101 days.	7/day, which may include: 7 mallards no more than 2 females or Mexican ducks. 3 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.
Colorado River Zone	Scaup	From Nov. 7 for 86 days.	2 scaup. Possession limit triple the daily bag.
	Geese	From Oct. 23 for 101 days.	25/day, up to 20 white geese, up to 5 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split</i>	Ducks	No longer than 103 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 3 pintail, 2 canvasback, 2 redheads. Possession limit triple the daily bag.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Balance of State Zone <i>Season may be split</i>	Scaup	No longer than 86 days	2 scaup. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split</i>	Geese	Early Season: 3 days (Canada goose only) Regular Season: no longer than 100 days Late Season: Canada geese no longer than 2 days and white-fronted and white geese no longer than 534 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 11	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 and during Youth Waterfowl Hunting Days	3/day. Possession limit triple the daily bag.

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
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 or second] Saturday in February extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The [first or second] 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

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Balance of State Zone	Same as regular season	The [first or second] 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	The Saturday following the closing of the regular duck season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	The [first or second] Saturday in February extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The [first or second] Saturday in February extending for 2 days.	Same as regular season
Balance of State Zone	Same as regular season	The [first or second] Saturday in February extending for 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

AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
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

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: Sections 265 and 355, Fish and Game Code

Reference: Sections 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 13, 2024, and a public scoping session will be held in November or December 2024.

V. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No other alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

The No Change Alternative would retain the 2024-25 regulations for the 2025-26 season which may place the state out of compliance with federal regulations. Calendar progression necessitates modifying allowable hunting dates in regulatory language, including for falconry-only seasons, that are adjusted annually based on general season length selection. In addition, frameworks for black brant have not been established pending results of the Fall Brant Survey.

VI. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VII. 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 2025-26 waterfowl regulations are expected to maintain a similar level of recreational waterfowl hunting opportunity for the public and therefore the same levels of business competitiveness.

(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 2025-26 waterfowl hunting season dates and bag limits within the federal Frameworks. The total hunting season length is proposed to remain the same as the current (2024-25) 107 days, with only modifications to the season types (duck, goose or falconry-only); these modifications will have little to no impacts to jobs and/or businesses that provide services to waterfowl hunters. The Commission anticipates that the proposed 2025-26 waterfowl hunting regulations will provide benefits for the health and welfare of California residents by providing opportunity for outdoor activity. The Commission expects no benefits to worker safety as that is not a subject of the proposed regulation. The Commission does expect benefits 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.

(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.

VIII. 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 2025-26 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, perpetuate the waterfowl resource for their intrinsic and ecological values, and 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.