

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

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| (a) Initial Statement of Reasons | Date: December 31, 2024 |
| (b) Amended Initial Statement of Reasons | Date: March 11, 2025 |
| (c) Final Statement of Reasons | Date: April 19, 2025 |

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: December 12, 2024	Location: Sacramento, CA
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(b) Discussion Hearing

Date: February 12, 2025	Location: Sacramento, CA
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(c) Adoption Hearing

Date: April 16, 2025	Location: Sacramento, CA
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III. Update

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR). Commission refers to the California Fish and Game Commission unless otherwise specified. Department refers to the California Department of Fish and Wildlife unless otherwise specified.

A notice of the proposed changes in regulations was published in the California Notice Register on January 10, 2025. On March 17, the Commission posted a notice of revisions to the proposed regulatory language. The change was to correct the late season for the hunting of Geese. Originally proposed language read, "Season will be no longer than 5 days and closing no later than March 10." The "5 days" was an error. The language now reads, "Season will be no longer than 34 days and closing no later than March 10."

At its April 16, 2025 meeting, the Commission adopted the specific season lengths and daily bag limits for the 2025-26 waterfowl hunting season as provided in the Final Regulatory Text, 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 (ISOR) 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.

Further, the federal frameworks mandate that Youth and Veteran/Active Military Hunt Days cannot be held any later than February 14, 2026. The Commission adopted the Veteran/Active Military Days of January 31 and February 1 (last Saturday in January 2026), which occurs the weekend after the close of the general season followed by Youth Hunting Days on February 1-2 (first Saturday in February). The proposed regulatory text in the Initial Statement of Reasons for the Veteran/Active Military Hunt Days indicated the option of the first or second Saturday in February, which was an error. The Veteran/Active Military Hunt Days cannot occur the same weekend as the Youth Hunting Days, nor can it occur the weekend of February 14, 2025, as that would place out of conformance with federal frameworks. Fish and Game Code Section 355 indicates the Commission must adopt regulations consistent with the Migratory Bird Treaty Act, which includes the federal frameworks. By not correcting this date error, the Commission would be adopting regs outside of the Frameworks.

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 16, 2025 public testimony from Mark Hennelly (California Waterfowl Association), Bill Gaines, Mike Costello, James Stone (Nor Cal Guides) and Chris Hoon (Delta Waterfowl Association)

Supports Department recommendation.

Response: The Commission adopted the Department's recommendation.

- (b) Comment Source: April 16, 2025 public testimony from Mitch Hunt.

Requests that the Canada goose season in the North Coast Special Management Area should be split between large and small Canada geese so that large Canada geese can open concurrently with the duck season.

Response: The Department did not recommend this change as it would exceed the number of allowed days to hunt Canada geese; federal Frameworks only provide for 107 days for Canada geese. Splitting into Small and Large in this special management area would exceed the days allotted. The Commission adopted the Department's recommendation.

- (c) Comment Source: February 12, 2025 public testimony from Mike Costello and Chrissy Pfanner

Requests the Youth Hunt Days be swapped for the Veteran and Active Military Hunt Days.

Response: The Department recommended this change to the Commission. The Commission adopted the Department's recommendation.

- (d) Comment Source: Mark Hennelly (California Waterfowl Association), Bill Gaines and Chris Bulls (California Bowman Hunters Association)

Supports the increase in the pintail bag limit as allowed under federal Frameworks.

Response: The Commission adopted the Department's recommendation.

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.

(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 2025-26 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 2025-26 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) Proposed 2025-26 Frameworks for Migratory for Migratory Bird Hunting Regulations (Preliminary), U.S. Fish and Wildlife Service Federal Register, Vol. 90, No. 12, January 21, 2025
- (b) Proposed 2025-26 Frameworks for Migratory for Migratory Bird Hunting Regulations, U.S. Fish and Wildlife Service Federal Register, Vol. 90, No. 78, April 24, 2025

Updated Informative Digest/Policy Statement Overview

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 considered at the U.S. Fish and Wildlife Service's (Service) 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 (zero bag limit represents a closed season) is 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 in the Initial Statement of Reasons 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.
- 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.
- 3) Increase the pintail daily bag limit in all zones, subsections 502(d)(1 through 5)(C) to 3 per day.
- 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.
- 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.

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 2025-26.

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

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At the April 16-17, 2025 meeting, the Commission adopted the specific season lengths and daily bag limits for the 2025-26 waterfowl hunting season as provided in the final regulatory text. The Commission also adopted other minor editorial changes to clarify the regulations and to comply with the federal Frameworks. Specifically, the federal frameworks mandate that Youth and Veteran/Active Military Hunt Days cannot be held any later than February 14, 2026. The Commission adopted the Veteran/Active Military Days of January 31 and February 1 (last Saturday in January 2026), which occurs the weekend after the close of the general season followed by Youth Hunting Days on February 1 and 2 (first Saturday in February). The proposed regulatory text in the informational statement of reasons for the Veteran/Active Military Hunt Days indicated the option of the first or second Saturday in February, which was an error. The Veteran/Active Military Hunt Days cannot occur the same weekend as the Youth Hunting Days, nor can it occur the weekend of February 14, 2025, as that would place out of conformance with federal frameworks. Fish and Game Code Section 355 indicates the Commission must adopt regulations consistent with the Migratory Bird Treaty Act, which includes the federal frameworks. By not correcting this date error, the Commission would be adopting regs outside of the Frameworks.

The Final Environmental Document for Section 502 dated April 16, 2025 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.