

STAFF SUMMARY FOR DECEMBER 11-12, 2019

16. WATERFOWL (ANNUAL)**Today's Item**Information Action

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

Summary of Previous/Future Actions

- | | |
|---------------------------------|------------------------------------|
| • WRC vetting | Sep 10, 2019; WRC, Santa Rosa |
| • Today's Notice hearing | Dec 11-12, 2019; Sacramento |
| • Discussion hearing | Feb 5-6, 2020; Sacramento |
| • Adoption hearing | Apr 15-16, 2020; Sacramento |

Background

DFW proposes changes to migratory waterfowl regulations in the initial statement of reasons (ISOR; Exhibit 3) to comply with the proposed frameworks for the 2020-21 seasons as approved by the Pacific Flyway Council. The proposed frameworks are scheduled to be adopted by the U. S. Fish and Wildlife Service in late Apr 2020.

A range for season length and bag limits (zero bag limit represents a closed season) is also provided for black brant. The ranges are necessary, as the black brant frameworks cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in Jan 2020.

DFW proposes the following changes in Section 502:

- open the duck season on the second Sat in Oct and close Jan 20 for the Northeastern Zone – 103 days;
- open the duck season on the fourth Sat of Oct and close Jan 31 for the Southern San Joaquin Valley Zone, Southern California Zone, and Balance of State Zone – 100 days;
- open the regular goose season on the fourth Sat in Oct and close Jan 31 for the Southern San Joaquin Valley Zone and the Southern California Zone – 100 days;
- open the Late Season for geese on the weekend after the Youth Hunt Days for the Balance of State Zone and for the Imperial County Special Management Area. If the Veterans and Active Military Personnel Waterfowl Hunting Days is enacted as described below, the Late Season for geese would occur after those hunting days;
- designate two days as Veterans and Active Military Personnel Waterfowl Hunting Days for the Northeastern, Southern San Joaquin Valley, Southern California and Balance of State zones; and
- allow up to five days of falconry-only season for the Balance of State Zone, the Southern San Joaquin Valley Zone and the Southern California Zone.

DFW also proposes to change Section 507 to:

- remove reference to lead shot to comply with existing law.

STAFF SUMMARY FOR DECEMBER 11-12, 2019

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

FGC staff: Authorize publication of a notice as recommended by DFW.

Committee: Authorize publication of a notice as recommended by DFW.

DFW: Authorize publication of a notice as proposed in the ISOR.

Exhibits

1. [DFW memo, received Nov 13, 2019](#)
2. [Draft economic and fiscal impact statement \(Std. 399\)](#)
3. [Draft migratory waterfowl \(ISOR\)](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 502 and 507 related to annual waterfowl regulations.

State of California
Department of Fish and Wildlife

Memorandum

Date: November 13, 2019

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

From: Charlton H. Bonham
Director

Subject: **Submittal of Initial Statement of Reasons to Amend Sections 502 and 507, 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 sections 502 and 507 Title 14, CCR. The Department is proposing seven changes to the existing waterfowl regulations for the 2020-21 season:

1. Open the duck season on the fourth Saturday of October and close January 31 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. Open the duck season on the second Saturday in October and close January 20 in subsection 502(d)(1)(B) for the Northeastern Zone;
3. Open the regular goose season on the fourth Saturday in October and close January 31 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;
4. Open the Late Season for geese on the weekend after the Youth Hunt Days in subsection 502(d)(5)(B) for the Balance of State Zone and in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area. If item 5 is enacted, the Late Season for geese would occur after the Veterans and Active Military Personnel Waterfowl Hunting Days;
5. Create a new subsection 502(f) to designate two days as Veterans and Active Military Personnel Waterfowl Hunting Days for the Northeastern, Southern San Joaquin Valley, Southern California, Colorado River and Balance of State zones;
6. Allow up to five days of falconry-only season in new subsections 502(g)(1)(B)2 for the Balance of State Zone, 502(g)(1)(B)3 for the Southern San Joaquin Valley Zone, and 502(g)(1)(B)4 for the Southern California Zone;
7. Delete reference to "No. BB in lead" in subsection 507(a)(4).

Melissa Miller-Henson, Executive Director
Fish and Game Commission
November 13, 2019
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The 2020 draft Environmental Document for Migratory Game Bird Hunting is under development and will be provided to the Commission prior to the discussion hearing.

If you have any questions regarding this item, please contact Kari Lewis, Wildlife Branch Chief, at (916) 445-3789. 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) 445-3717 or via email at Melanie.Weaver@wildlife.ca.gov.

Attachment

cc: Stafford Lehr, Deputy Director
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**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

DRAFT**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME Fish and Wildlife Commission	CONTACT PERSON Margaret.Duncan	EMAIL ADDRESS @wildlife.ca.gov	TELEPHONE NUMBER 916-653-4674
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Amend Section 502, Title 14, CCR, waterfowl hunting 2020-21 season			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):

The proposed waterfowl regulations do not impact private sector costs.***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. 12/2013)

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. 12/2013)

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. 12/2013)

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. 12/2013)

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



DRAFT

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Sections 502 and 507
Title 14, California Code of Regulations

Re: Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule)

I. Date of Initial Statement of Reasons: November 13, 2019

II. Dates and Locations of Scheduled Hearings

- | | |
|------------------------|---|
| (a) Notice Hearing | Date: December 11, 2019
Location: Sacramento, CA |
| (b) Discussion Hearing | Date: February 6, 2020
Location: Sacramento, CA |
| (c) Adoption Hearing | Date: April 16, 2020
Location: Sacramento, 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 must 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 2019 and the regulatory alternatives selected for the 2019 hunting season will be used to develop the Frameworks for the 2020-21 season.

States may make recommendations to change the Frameworks. These recommendations are made to flyway councils in August or September. The 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 late 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 in State regulations the specific hunting season dates and daily bag limits within the Frameworks.

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. The proposed Frameworks for the 2020-21 season were approved by the flyway councils and were considered for adoption at the Service's Regulations Committee meeting October 8-9, 2019. The proposed Frameworks allow for a liberal duck season which includes: a 107-day season; 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; daily bag limit decrease from 3 to 2); and closing no later than January 31. Duck daily bag limit ranges and duck season length ranges are provided to allow the Commission flexibility.

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 2020. The regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the survey, well before the Commission's adoption meeting. See the table in the Informative Digest for the range of season and bag limits. Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The Department recommended changes to Section 502 are:

- 1) Open the duck season on the second Saturday in October and close January 20 in subsection 502(d)(1)(B) for the Northeastern Zone. This recommendation reduces the duck season length to 103 days.

The existing duck season length in this zone is 105 days and closes on a Friday. The Northeastern Zone is considered a staging area and the habitat becomes unavailable to waterfowl by late fall, typically, so the season opens sooner than the rest of the zones. The Friday closure was allowed because the Youth Hunt Days occur before the season to allow youth hunters opportunity commensurate with waterfowl occurrence and to provide as many days to hunters as possible in this zone because of habitat conditions. Two days need to be removed to allow for the Veterans and Active Military Personnel Day recommendation, see item 5 below.

- 2) Open the duck season on the fourth Saturday of October and close January 31 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. This recommendation reduces the duck season length to 100 days.

The existing duck season length for the referenced zones is 105 days. In the prior year rulemaking, the Commission adopted a later season closing date of January 31 in these zones because Frameworks were changed to allow a later closing date. Historically, the latest closing date in the Frameworks was the last Sunday in January. Closing on January 31 and maintaining a traditional opening Saturday in later October results in an

annual adjustment to the season length; from 105 to 100 days for the upcoming season. This annual adjustment also results in modifications to the regular and Late Goose seasons, Youth Hunt Days and Falconry seasons, see below.

- 3) Open the regular goose season on the fourth Saturday in October and close January 31 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. This recommendation reduces the season length to 100 days.

The existing goose season length for the referenced zones is 105 days. See item 1 above for the justification. This annual adjustment also results in modifications to Late Goose, Youth Hunt Days and Falconry seasons.

- 4) Open the Late Season for geese on the weekend after the Youth Hunt Days in subsection 502(5)(B) for the Balance of State Zone and in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area. If item 5 (below) is enacted, the Late Season for geese would occur after the Veterans and Active Military Personnel Waterfowl Hunting Days.

The existing regulation opens the Late Season for geese on the same weekend as the Youth Hunt Days in these referenced areas. The proposed change is intended to allow greater flexibility for those wanting to participate in the Youth Hunt Days and or the Late Seasons for geese.

- 5) Designate two days as Veterans and Active Military Personnel Waterfowl Hunting Days (VAMP Days hereafter) for the Northeastern, Southern San Joaquin Valley, Southern California, and Balance of State zones. This recommendation creates a new subsection, 502(f)(1)(A)(B)(C)1-4 and renumbering will occur for the subsequent section (Falconry Take of Ducks subsection becomes 502(g)(1)).

Federal legislation was passed to allow up to two days designated as VAMP Days if states choose. These days may coincide with the Youth Hunt Days or held separately and must occur with 14 days of the regular duck season opening and closing dates. VAMP Days can be held on weekdays, unlike the Youth Hunt Days. Both the Youth Hunt and VAMP Days can be held concurrently with Late Goose seasons. The Department is recommending creating two VAMP Days to occur after the Youth Hunt Days in all zones except the Northeastern Zone where the VAMP Days will occur on the weekend after the close of the general waterfowl season; the Youth Hunt Days in this zone occur prior to the opening of the season. Allowable species include Ducks, American Coots, Common Moorhens, and Geese for the Southern San Joaquin Valley, Southern California, and Colorado River zones because not all 107 days (per Frameworks) will be used as recommended. However, in the Northeastern and Balance of State zones all 107 days for geese have been used as recommended in the Regular and Late Seasons to address crop depredation complaints. Persons participating in this special hunt must possess and present upon demand verification of eligibility to participate in this hunt. Verification for veterans includes: A Veterans Affairs issued Veterans ID Card; or State issued driver's license or Identification Card with Veteran Designation. Active Duty and Retired must present a current Military Identification Card. Veterans can apply for a Veteran ID card at: <https://www.va.gov/records/get-veteran-id-cards/vic/>.

- 6) Allow up to five days of falconry-only season in subsection 502(g)(1)(B)2 for the Balance of State Zone, in subsection 502(g)(1)(B)3 for the Southern San Joaquin Valley Zone and in subsection 502(g)(1)(B)4 for the Southern California Zone.

The existing regulation uses all available days for Duck, Goose, and Youth Hunt Day seasons in these zones. The recommended opening and closing days (Items 1-3) do not use all allotted days for ducks or geese, depending on the zone. The length of the falconry-only season is contingent upon enactment and placement of the VAMP Days.

Current regulations in Section 507(a)(4), Title 14, CCR, describe the shotgun size and shot shell type authorized for the taking of migratory game birds.

The Department is recommending deleting the reference to lead and No BB:

- 1) Shotgun shells may not be used or possessed that contain shot size larger than ~~No. BB in lead~~ or T shot in steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service. All shot shall be loose in the shell.

This section is being corrected to comply with legislation in effect regarding the use of non-lead ammunition when taking any wildlife with a firearm in California and improve clarity of the regulation.

(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.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

(c) Authority and Reference

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 meeting held on September 10, 2019 and a public scoping session will be held in late October or early November 2019.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No other alternatives were identified.

(b) No Change Alternative

- 1) The No Change Alternative would not open the duck season on the second Saturday in October and close January 20 in the Northeastern Zone.
- 2) The No Change Alternative would not open duck season on the fourth Saturday of October and close January 31 in the Southern San Joaquin Valley, Southern California, and Balance of State zones.
- 3) The No Change Alternative would not open the regular goose season on the fourth Saturday in October and close January 31 for the Southern San Joaquin Valley and Southern California zones.
- 4) The No Change Alternative would not open the Late Season for geese on the weekend after the Youth Hunt Days in the Balance of State Zone and the Imperial County Special Management Area; or after the Veterans and Active Military Personnel Waterfowl Hunting Days, if enacted.
- 5) The No Change Alternative would not designate two days as Veterans and Active Military Personnel Waterfowl Hunting Days.
- 6) The No Change Alternative would not allow up to five days of falconry-only season in the Balance of State, Southern San Joaquin Valley and the Southern California zones.
- 7) The No Change Alternative would not delete the reference to No. BB in lead.

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 would provide additional recreational opportunity to the public and could result in minor increases in hunting days and hunter spending on equipment, fuel, food and accommodations.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed waterfowl regulations will set the 2020-21 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 2020-21 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 \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing a few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of the same small businesses.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

Little to minor positive impacts on the creation of jobs within businesses that provide services to waterfowl hunters may result from the adoption of the proposed waterfowl hunting regulations for the 2020-21 season. The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife-associated recreation for California, estimated that waterfowl hunters contributed about \$169,115,000 to small businesses in California during the 2011 waterfowl hunting season. The impacted businesses are generally small businesses employing 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. The 2011 report is posted on the U.S. Department of Commerce website https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011_Survey.htm.

(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 waterfowl bag limits 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.

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. The proposed Frameworks for the 2020-21 season were approved by the flyway councils and will be considered for adoption at the Service's Regulations Committee meeting October 8-9, 2019. The proposed Frameworks allow for a liberal duck season which includes: a 107-day season, 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; daily bag limit decrease from 3 to 2); and closing no later than January 31. Duck daily bag limit ranges and duck season length ranges are provided to allow the Commission flexibility.

A range of season length and bag limit (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 Winter Brant Survey is conducted in January 2020. The regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the survey, well before the Commission's adoption meeting. See the table in the Informative Digest for the range of season and bag limits. Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The Department recommended changes to Section 502 are:

- 1) Open the duck season on the second Saturday in October and close January 20 in subsection 502(d)(1)(B) for the Northeastern Zone. This recommendation reduces the duck season length to 103 days.
- 2) Open the duck season on the fourth Saturday of October and close January 31 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. This recommendation reduces the duck season length to 100 days.
- 3) Open the regular goose season on the fourth Saturday in October and close January 31 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. This recommendation reduces the season length to 100 days.
- 4) Open the Late Season for geese on the weekend after the Youth Hunt Days in subsection 502(5)(B) for the Balance of State Zone and in subsection 502(d)(6)(A)9 for the Imperial County Special Management Area. If item 5 (below) is enacted, the Late Season for geese would occur after the Veterans and Active Military Personnel Waterfowl Hunting Days.
- 5) Designate two days as Veterans and Active Military Personnel Waterfowl Hunting Days (VAMP Days hereafter) for the Northeastern, Southern San Joaquin Valley, Southern California, and Balance of State zones. This recommendation creates a new

subsection, 502(f)(1)(A)(B)(C)1-4 and renumbering will occur for the subsequent section (Falconry Take of Ducks subsection becomes 502(g)(1)).

- 6) Allow up to five days of falconry-only season in subsection 502(g)(1)(B)2. for the Balance of State Zone, in subsection 502(g)(1)(B)3. for the Southern San Joaquin Valley Zone and in subsection 502(g)(1)(B)4. for the Southern California Zone.

Current regulations in Section 507(a)(4), Title 14, CCR, describe the shotgun size and shot shell type authorized for the taking of migratory game birds.

The Department is recommending deleting the reference to lead and No BB:

- 1) ... Shotgun shells may not be used or possessed that contain shot size larger than ~~No-
BB in lead or~~ T shot in steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service. All shot shall be loose in the shell.

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. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2020-21.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

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 Sections 502 and 507 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Summary of Proposed Waterfowl Hunting Regulations for 2020-21

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, Dark Geese and White Geese. White geese and dark geese may be split 3-ways.</i>	Ducks	No longer than 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 2 scaup. Possession limit triple the daily bag.
	Scaup	No longer than 86 days	
	Geese	No longer than 105 days except for Canada geese which cannot exceed 100 days or beyond Jan 17	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 for Ducks, Pintail, Canvasback and scaup</i>	Ducks	No longer than 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 2 scaup. Possession limit triple the daily bag.
	Scaup	No longer than 86 days	
	Geese	No longer than 105 days	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup</i>	Ducks	No longer than 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 2 scaup. Possession limit triple the daily bag.
	Scaup	No longer than 86 days	
	Geese	No longer than 105 days	23/day, which may include: 20 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup</i>	Ducks	No longer than 105 days	7/day, which may include: 7 mallards no more than 2 females or Mexican-like ducks. 1 pintail, 2 canvasback, 2 redheads, 2 scaup. Possession limit triple the daily bag.
	Scaup	No longer than 86 days	
	Geese	No longer than 105 days	24/day, up to 20 white geese, up to 4 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	No longer than 105 days	[4-7]/day, which may include: [3-7] mallards no more than [1-2] females. 1 pintail, 2 canvasback, 2 redheads, 2 scaup. Possession limit triple the daily bag.
	Scaup	No longer than 86 days	
	Geese	Early Season: 5 days (Canada goose only) Regular Season: no longer than 100 days Late Season: 5 days (whitefronts and white geese)	30/day, which may include: 20 white geese, 10 dark geese. Possession limit triple the daily bag.

SPECIAL MANAGEMENT AREAS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	No longer than 105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in Jan	10/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit (West Side)	All species	Closed during brant season	
Klamath Basin	Dark and white geese	105 days except for Canada geese which cannot exceed 100 days or extend beyond Janu 17	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, federal regulations require that hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)		
	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	The first Saturday in February extending for 2 days.	Same as regular season
Southern California Zone	Same as regular season	The first Saturday in February extending for 2 days.	Same as regular season
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.)		
	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Ducks, Coots, and Moorhens	No longer than 2 days.	Same as regular season
Balance of State Zone	Ducks, Coots, and Moorhens	No longer than 2 days.	Same as regular season
Southern San Joaquin Valley Zone	Same as regular season	No longer than 2 days.	Same as regular season
Southern California Zone	Same as regular season	No longer than 2 days.	Same as regular season
FALCONRY	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Ducks, Coots, and Moorhens	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

Proposed Regulatory Language

Section 502, Title 14 CCR, is amended to read:

§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)	From the first Saturday in October extending for 105 days. Scaup: from the first Saturday in October extending for a period of 58 days and from the third Saturday in December extending for a period of 28 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season may be split into two segments and no longer than 105 days except for scaup season can be no longer than 86 days.]</u>	Daily bag limit: 7 <u>[4-7]</u> Daily bag limit may include: • 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). • 3 <u>2</u> scaup (either sex). Possession limit: triple the daily bag limit.
Geese	Regular Season: Small and Large Canada Geese: from the first Saturday in October extending for 100 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 17. Season will be no longer than 100 days.]</u> White-fronted and white geese from the first Saturday in October	Daily bag limit: 30 Daily bag limit may include: • 20 white geese. • 10 dark geese but not more than 2 Large Canada geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.

	<p>extending for a period of 58 days and from the first Saturday in January extending for a period of 14 days. <u>[opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season may be split into two segments and no longer than 100 days.]</u> Late Season: White-fronted and white geese from February 7 extending for 33 days. <u>[Season will be no longer than 38 days and closing no later than March 10.]</u></p> <p>During the Late Season, hunting is only permitted on Type C wildlife areas listed in Section 550-552, navigable waters, and private lands with the permission of the land owner under provisions of Section 2016, Fish and Game Code. 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>(2) Southern San Joaquin Valley Zone (NOTE: SEE SUBSECTION 502(d)(6) BELOW FOR SPECIAL SEASONS AND CLOSURES.)</p>		
<p>(A) <i>Species</i></p>	<p>(B) <i>Season</i></p>	<p>(C) <i>Daily Bag and Possession Limits</i></p>
<p>Ducks (including Mergansers)</p>	<p>From the third Saturday in October extending for 105 days. Scaup: from November 7 extending for 86 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season may be split into two segments and no longer than 105</u></p>	<p>Daily bag limit: 7<u>[4-7]</u> Daily bag limit may include: • 7<u>[3-7]</u> mallards, but not more than 2<u>[1-2]</u> females. • 2<u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3<u>2</u> scaup (either sex).</p> <p>Possession limit: triple the daily bag limit.</p>

	<u>days except for scaup season can be no longer than 86 days.]</u>	
Geese	From the third Saturday in October extending for 105 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season will be no longer than 105 days.]</u>	Daily bag limit: 30 Daily bag limit may include: • 20 white geese. • 10 dark geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
(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)	From the third Saturday in October extending for 105 days. Scaup: from November 7 extending for 86 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31.</u> <u>Season may be split into two segments and no longer than 105 days except for scaup season can be no longer than 86 days.]</u>	Daily bag limit: 7- 4-7 Daily bag limit may include: • 7- 3-7 mallards, but not more than 2- 1-2 females. • 2- <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3- <u>2</u> scaup (either sex). Possession limit: triple the daily bag limit.
Geese	From the third Saturday in October extending for 105 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31. Season will be no longer than 105 days.]</u>	Daily bag limit: 23 Daily bag limit may include: • 20 white geese. • 3 dark geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
(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).	From the third Friday in October extending for 101 days. Scaup: from the first Saturday in November extending for 86 days. <u>[Opening no earlier than the Saturday closest to October 1 and closing no later than January 31.</u> <u>Season may be split into two segments and no longer than 105</u>	Daily bag limit: 7 Daily bag limit may include: • 7 mallards, but not more than 2 females or Mexican-like ducks. • 2- <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3- <u>2</u> scaup (either sex).

	<u>days except for scaup season can be no longer than 86 days.]</u>	Possession limit: triple the daily bag limit.
Geese	From the third Friday in October extending for 101 days. [Opening no earlier than the <u>Saturday closest to October 1 and closing no later than January 31.</u> <u>Season will be no longer than 105 days.]</u>	Daily bag limit: 24 Daily bag limit may include: • 20 white geese. • 4 dark geese (see definitions: 502(a)). Possession limit: triple the daily bag limit.
(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).	From the third Saturday in October extending for 105 days. Scaup: from November 7 extending for 86 days. [Opening no earlier than the <u>Saturday closest to October 1 and closing no later than January 31.</u> <u>Season may be split into two segments and no longer than 105 days except for scaup season can be no longer than 86 days.]</u>	Daily bag limit: 7 [4-7] Daily bag limit may include: • 7 [3-7] mallards, but not more than 2 [1-2] females. • 2 <u>1</u> pintail (either sex). • 2 canvasback (either sex). • 2 redheads (either sex). • 3 <u>2</u> scaup (either sex). Possession limit: triple the daily bag limit.
Geese	Early Season: Large Canada geese only from the Saturday closest to October 1 for a period of 5 days EXCEPT in the North Coast Special Management Area where Large Canada geese are closed during the early season. Regular Season: Dark and white geese [opening no earlier than the <u>Saturday closest to October 1 and closing no later than January 31]</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. Late Season: White-fronted and white geese from the second <u>third</u>	Daily bag limit: 30 Daily bag limit may include: • 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)). Possession limit: triple the daily bag limit.

	<p>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. 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>	
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(6) Special Management Areas (see descriptions in 502(b)(6))

	(A) Species	(B) Season	(C) Daily Bag and Possession Limits
1. North Coast	All Canada Geese	<p>From November 6 extending for a period of 87 days (Regular Season) and from February 22 extending for a period of 18 days (Late Season). <u>[Season may be split and 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 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 from the first Saturday in October extending for 100 days. <u>[opening no earlier than the Saturday closest to October 1 and closing no later than January 17]</u> extending for 100 days.</p> <p>White-fronted and white geese from the first Saturday in October <u>[opening no earlier than the Saturday closest to October 1 and closing no later than January 31]</u> extending for 105 days.</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>
4.	White-	Open concurrently with the	Daily bag limit: 3

Sacramento Valley	Fronted Geese	goose season through December 21, and during Youth Waterfowl Hunting Days.	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 8 extending for 37 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 9 extending for 37 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 7 extending for a period of 86 days (Regular Season) and from the second Saturday in February extending for a period of 19 days (Late Season). <u>[Season may be split and 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, federal regulations require that hunters must be 17 years of age or younger and must be accompanied by a non-hunting adult 18 years of age or older.)

(1) Statewide Provisions.

(A) Species	(B) Season	(C) Daily Bag Limit
Ducks (including Mergansers), American Coot, Common Moorhen, Black Brant, Geese	1. Northeastern California Zone: The Saturday fourteen days before the opening of waterfowl season extending for 2 days. 2. Southern San Joaquin Valley Zone:	Same as regular season.

The ~~second~~-first Saturday in February extending for 2 days.

3. Southern California Zone: The ~~second~~-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 ~~second~~-first Saturday in February extending for 2 days.

(f) Veterans 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 and/or Military ID Card for active duty, or a State issued driver's license or Identification Card with Veteran Designation.

(1) Statewide Provisions.

<u>(A) Species</u>	<u>(B) Season</u>	<u>(C) Daily Bag Limit</u>
<u>Ducks (including Mergansers), Geese, American Coot, Common Moorhen</u>	<p>1. <u>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.</u></p> <p>2. <u>Southern San Joaquin Valley Zone: The second Saturday in February extending for 2 days.</u></p> <p>3. <u>Southern California Zone: The second Saturday in February extending for 2 days.</u></p>	<p>Same as regular season.</p>

4. Balance of State Zone: The second Saturday in February extending for 2 days. Goose hunting in this zone is not permitted during these days.

(f)-(g) Falconry Take of Ducks (including Mergansers), Geese, American Coots, and Common Moorhens.

(2) 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 12, 2020. <u>[No longer than 107 days.]</u></p> <p>2. Balance of State Zone. Open concurrently with duck season and February 8-9, 2020 <u>[No longer than 107 days]</u> 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 and February 8-9, 2020. <u>[No longer than 107 days.]</u> Goose hunting in this zone by means of falconry is not permitted.</p>	<p>Daily bag limit: 3 Daily bag limit makeup: • Either all of 1 species or a mixture of species allowed for take.</p> <p>Possession limit: 9</p>

4. Southern California Zone. ~~Open concurrently with duck season and February 8-9, 2020.~~ [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.

5. Colorado River Zone. ~~Open concurrently with duck season and January 27-30, 2020.~~ [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.

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

Proposed Regulatory Language

Section 507, Title 14 CCR, is amended to read:

§ 507. Provisions Related to the Taking of Migratory Game Birds.

. . . *[No changes to subsections (a)(1) through (3)]*

(4) Shotguns 10 Gauge or Smaller. Shotguns 10 gauge or smaller using shot shells only and incapable of holding more than three shells in the magazine and chamber combined may be used. except no shotgun larger than 12 gauge shall be used in areas open to hunting on, over or adjacent to the waters of Morro Bay, San Luis Obispo County. If a plug is used to reduce the capacity of a magazine to fulfill the requirements of this section, the plug must be of one piece construction incapable of removal without disassembling the gun. Shotgun shells may not be used or possessed that contain shot size larger than No. BB in lead or T shot in steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service. All shot shall be loose in the shell.

. . . *[No changes to subsections (b) through (d)]*

Note: Authority cited: Section 355, Fish and Game Code. Reference: Sections 355, 356 and 3005, Fish and Game Code.