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JOHN CARLSON, JR.
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

May 27, 2009

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting, which will be published in the California Regulatory Notice Register on May 29, 2009.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

A handwritten signature in cursive script that reads "Sherrie Fonbuena".

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

BOARD OF SUPERVISORS
2009 JUN - 11 P 12: 38

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355, and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting.

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 establish daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may change federal regulations; if this occurs changes in existing and proposed regulations in California may be necessary. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Item 4 requires changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 24, 2009. Item 5 (including the table below) provides a proposed range of season dates and bag limits for waterfowl. The Service will consider recommendations from the Flyway Council at their meeting on July 30, 2009. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation "frameworks" which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

1. Increase the white-fronted goose daily bag limit to 6 geese per day in the Northeastern, Southern San Joaquin Valley, and Balance of State zones. Also, the white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Southern San Joaquin Valley and Balance of State zones.
2. Increase the Large Canada goose daily bag limit to 6 per day in the Southern San Joaquin Valley and Balance of State zones. Also, the white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Southern San Joaquin Valley and Balance of State zones.
3. Change the name of the Youth Hunting Days section to Youth Waterfowl Hunting Days.
4. Modify the opening date of the Sacramento Valley (West) Special Management Area to open concurrently with the general goose season in the Balance of State Zone. This proposal requires approval by the Pacific Flyway Council and the U.S. Fish and Wildlife Service.
5. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS								
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession								
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.								
	Pintail	Between 0 & 105 days									
	Canvasback	Between 0 & 105 days									
	Scaup	Between 0 and 105 days									
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Geese	86-100 days	8/ day, up to 6 white geese, up to 4-6 white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.								
	Ducks	Between 38 & 105 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.								
	Pintail	Between 0 & 105 days									
	Canvasback	Between 0 & 105 days									
Scaup	Between 0 & 105 days										
Colorado River Zone	Geese	86-100 days	8/ day, up to 6 white geese, up to 4-6 white-fronts, up to 4-6 Large Canada geese, up to 6 Small Canada geese (up to 6 dark geese). Possession limit double the daily bag.								
	Ducks	Between 38 & 101 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.								
	Pintail	Between 0 & 101 days									
	Canvasback	Between 0 & 101 days									
Scaup	Between 0 & 101 days										
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Geese	101 days	6/ day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.								
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.								
	Pintail	Between 0 & 100 days									
	Canvasback	Between 0 & 100 days									
Scaup	Between 0 & 100 days										
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Geese	86-100 days	8/day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.								
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.								
	Pintail	Between 0 & 100 days									
	Canvasback	Between 0 & 100 days									
Scaup	Between 0 & 100 days										
SPECIAL AREA	SPECIAL AREA	SEASON	DAILY BAG & POSSESSION LIMITS								
				North Coast	All Canada Geese	Between 0 & 105 days, except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	6/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.				
								Humboldt Bay South Spit	All species	Closed during brant season	
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	Between 0 & 30 days, must end by Dec 15	2/day. Possession limit double the daily bag.
Imperial County	White Geese	Between 0 and 102 days	6/day. Possession limit double the daily bag.								
				YOUTH WATERFOWL HUNTING DAYS	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 California Zone	The Saturday following the closing of waterfowl season extending for 2 days.										
		Colorado River Zone	The Saturday following the closing for waterfowl season extending for 2 days.								
				Balance of State Zone	The Saturday following the closing of waterfowl season extending for 2 days.						
						FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS		
										Northeastern Zone	Same as regular season
Balance of State Zone	Between 38 and 107 days										
		Southern San Joaquin Valley Zone	Between 38 and 107 days								
				Southern California Zone	Between 38 and 107 days						
						Colorado River Zone	Ducks only	Between 38 and 107 days			

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, June 25, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, August 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 31, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 3, 2009. All comments must be received no later than August 6, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 355 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (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: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission 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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: May 19, 2009

John Carlson, Jr.
Executive Director