
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 764 (Jeff Gonzalez) - Birds and mammals: nongame birds: mute swans

Version: June 25, 2025

Urgency: No

Hearing Date: July 7, 2025

Policy Vote: N.R. & W. 7 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would allow mute swans (*Cygnus olor*) to be taken or possessed similarly to other listed nongame birds, as provided, and would require the California Department of Fish and Wildlife (CDFW) to collect information about associated enforcement actions, as specified.

Fiscal Impact:

- Unknown, potentially significant costs (General Fund or Fish and Game Preservation Fund [FGPF]) for DFW to collect specified information until provisions of the bill sunset on January 1, 2031.

Background: Mute swans (*Cygnus olor*) are a non-native invasive species, originally brought to North America for ornamental purposes – such as to be decorative waterfowl for parks, zoos, and private estates – in the late 1800s. Mute swans subsequently escaped from captivity, and populations became established in the wild.

Mute swans are very large waterfowl with adults averaging about 48 – 66 inches in length, about 25 - 30 pounds in weight and a wingspan of up to 8 feet. Their plumage is white. According to the California Department of Fish and Wildlife (CDFW), they can be distinguished from other swan species by their orange bill with a black knob, long tail feathers, and their long “S” shaped necks. Increasing populations of mute swans in an area can have significant impacts on food availability and the local ecosystem to the detriment of native species, including other waterfowl. For example, adult mute swans can consume 6 – 8 pounds of aquatic vegetation daily when feeding in wetland habitats, and have, in some locations and seasons, been observed to act aggressively towards other birds, and, sometimes, children and pets.

Due to burgeoning mute swan populations along the US East Coast's Atlantic Flyway – an increase in population from 6,300 to over 14,000 from 1986 – 2002 – the Atlantic Flyway Council adopted a Mute Swan Management Plan in 2003 in an effort to reduce the detrimental impact of mute swan populations on Flyway wetlands and the species that depend upon them. Many states along the Atlantic Flyway implemented management programs which reduced the population by about 35% to 9,000 birds by 2011.

The annual California waterfowl breeding population survey conducted by CDFW in 2024 yielded an estimated population of mute swans in California of 6,912, an estimated increase of 2,867 since the 2023 estimate of 4,045. These estimates are somewhat uncertain as the reported standard error in the population estimates is 55% in 2024 and 29% in 2023, respectively. There is no uncertainty reported for the average

population of 1,147 estimated for the time period 2003 – 2024. These estimates nevertheless suggest that the population of wild mute swans in the state has likely increased substantially over the last 21 years through 2024, and may present an enhanced risk to the other native waterfowl who depend upon the Pacific Flyway for habitat and food.

Currently, CDFW asks that wild mute swan sightings be reported to them. Two other invasive nongame birds present in the state – the starling (*Sturnus vulgaris*) and English sparrow (*Passer domesticus*) – can be taken or possessed at any time, even without a hunting license in some circumstances, due to the risk they pose to native wildlife.

Proposed Law: This bill would:

1. Add mute swans (*Cygnus olor*) to the list of nongame birds (i.e. English sparrow and starling) that may be taken and possessed at any time subject to the following conditions:
 - a. By a licensed hunter during daylight hunting hours.
 - b. By a landowner or lessee or an agent of either in possession of written authority from the landowner or lessee without a hunting license or depredation permit during daylight hunting hours on the land owned or leased by the landowner or lessee.
2. Provide that:
 - a. A person taking or possessing a mute swan shall be encouraged to report to the department when they take or possess a mute swan.
 - b. CDFW shall collect information about enforcement actions, taken by department personnel, associated with the take and possession of a mute swan.
3. Sunset these provisions on January 1, 2031.

Related Legislation:

AB 1729 (Committee on Water, Parks, and Wildlife), Chapter 285, Statutes of 2007, made numerous technical and substantive changes to the FGC. AB 1729 originally contained a provision including rock dove (i.e., domestic pigeon) to FGC § 3801, which was removed from the bill before chaptering.

Staff Comments: At the time of this analysis, CDFW did not have a fiscal estimate available reflecting recently taken amendments. Prior to the amendments taken in the Senate Natural Resources & Water Committee, CDFW estimated no fiscal impact. These amendments, however, would require CDFW to collect certain information, and CDFW indicates this requirement could result in a fiscal impact. The magnitude of such an impact is currently unclear.