

## CONCURRENCE IN SENATE AMENDMENTS

AB 764 (Jeff Gonzalez)

As Amended June 25, 2025

Majority vote

**SUMMARY**

Includes the mute swan (*Cygnus olor*) in the list of nongame bird species that may be taken or possessed at any time, until January 1, 2031.

**Senate Amendments**

- 1) Require the Department of Fish and Wildlife (CDFW) to collect information about enforcement actions related to the take of mute swans, encourage individuals to report their take of mute swans to CDFW.
- 2) Sunset the provisions of this bill on January 1, 2031.

**COMMENTS**

Mute swan (*Cygnus olor*) are very large birds weighing 25–30 pounds and measuring four to 5.5 feet in length, with a wingspan of nearly eight feet. Adult mute swan are solid white with a black face-patch and black to grayish-pink legs with webbed feet. As their name may suggest, mute swan are not very vocal, but will grunt, snort, or hiss to communicate, especially if they feel threatened.

Every year since 1948, CDFW has conducted a Waterfowl Breeding Population Survey. CDFW began monitoring for feral mute swan in 2007. The 2024 survey estimates a 71% increase in mute swan numbers since 2023 and a 535% increase above their 16-year average. CDFW also reports an increase in public sightings of mute swan.

CDFW's factsheet reports that mute swan are voracious feeders, with each adult swan consuming up to eight pounds of submerged aquatic vegetation (SAV) per day, and destroying much more in the process. SAV is an important part of aquatic ecosystems as it provides food and shelter for native waterfowl, fish, and invertebrates. By consuming massive amounts of SAV, mute swan negatively impact the structure and function of aquatic habitats that native species depend upon. Additionally, mute swan are aggressive towards other birds, as well as people. Mute swan disrupt nesting activity of native waterfowl by chasing birds from their nests and have been reported to physically injure, or even kill, other birds. Mute swan have been reported to attack people and, in some cases, have critically injured children and pets.

This bill proposes to add mute swan to a list of three other birds that may be taken at any time: English sparrow, starling, and rock dove (note, rock dove is included in regulation, not code, see above). It is likely that other species may accidentally be taken when targeting those three nongame species, and these species do not benefit from the size of swan, which should only make identification easier.

It is important to note that it is still unlawful to hunt or discharge a firearm within 150 yards of a building without permission of the landowner and still unlawful to willfully discharge a firearm in a grossly negligent manner that could result in injury or death of a person. This bill does not create any exception for those laws.

**According to the Author**

"[This bill] is an essential step in protecting California's native wildlife, habitats, and ecosystems. As environmental challenges and invasive species put increasing pressure on our state's biodiversity, this legislation promotes common-sense conservation efforts that safeguard vital habitats and protect species at risk."

**Arguments in Support**

A number of groups write in support citing the aggressive and destructive nature of the mute swan. They claim that this bill will provide another tool in combating the invasive mute swan, similar to the state's treatment of other invasive species: nutria, starling, house sparrow, and rock pigeon. They add that mute swan "are not found on [CDFW] lands, and private lands and other areas provide significant habitat for them. Thus, any meaningful control efforts must necessarily include other landowners."

**Arguments in Opposition**

Social Compassion in Legislation has raised concerns about the use of lethal control measures, advocating instead for alternatives such as those implemented in New York (e.g., nest destruction and relocating of birds to wildlife facilities). They also request improved reporting mechanisms to better track the number of mute swans removed in the state.

**FISCAL COMMENTS**

According to the Senate Appropriations Committee, CDFW anticipates unknown, but potentially significant costs (General Fund or Fish and Game Preservation Fund) for CDFW to collect specified information until provisions of the bill sunset on January 1, 2031.

**VOTES:****ASM WATER, PARKS, AND WILDLIFE: 13-0-0**

**YES:** Papan, Jeff Gonzalez, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Caloza, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

**ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hadwick, Hart, Pacheco, Solache, Ta

**ABS, ABST OR NV:** Pellerin

**ASSEMBLY FLOOR: 73-0-6**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Hart, Hoover, Irwin, Jackson, Krell, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Carrillo, Gallagher, Harabedian, Kalra, Lackey, Lee

**UPDATED**

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