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STATE OF CALIFORNIA
Fish and Game Commission

July 29, 2011

To All Interested and Affected Parties,

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Subsections 551(g), (j) and (q) and Sections 700.4, 701 and 705; and Repeal Section 704, Title 14, California Code of Regulations, relating to the ALDS Acceptable Forms of Identification; Wildlife Area Passes and Annual Fee Adjustments for Sport Fishing and Commercial Fishing, which will be published in the California Regulatory Notice Register on July 29, 2011.

Associated documents will also be published to the Fish and Game Commission website at http://www.fgc.ca.gov/regulations/new/2011/proposedregs11.asp .

Please note, on page two of the attachment, the dates of the public hearing related to this matter and associated deadline for receipt of written comments.

Ms. Maria Melchiorre, License and Revenue Branch, Department of Fish and Game, phone (916) 928-8322, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

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 200, 202, 203, 355, 713, 1050, 1054, 1526, 1528, 1530, 1570, 1571, 1572, 1765 and 10504, of the Fish and Game Code and to implement, interpret or make specific sections 355, 711, 713, 1050, 1054, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1764, 1765, 2006, 10504 of said Code, proposes to Amend Subsections 551(g), (j) and (q) and Sections 700.4, 701 and 705; and Repeal Section 704, Title 14, California Code of Regulations, relating to the Automated License Data System (ALDS) Acceptable Forms of Identification; Wildlife Area Passes and Annual Fee Adjustments for Sport Fishing and Commercial Fishing.

Informative Digest/Policy Statement Overview

This proposal adds two new and clarifies one previous acceptable form of identification when a customer applies for a license in ALDS. The changes ensures customers are uniquely identified in the ALDS database and removes unintended barriers for customers to purchase licenses. This section is also amended to transfer provision of Section 704 in and for consistency to Fish and Game Code 1050(e), by defining the surcharge as an "application fee."

One–day entry permits are not currently issued at Department license sales offices or License Agents because they are area specific and non-transferable. Beginning in 2011/2012, sales transactions of any type will no longer be feasible at Department check stations; therefore, this proposal is needed to allow for the issuance of pre-paid one-day entry passes at license agents, Department offices, and online. This proposal increases the number of locations that a one-day pass may be purchased from only at the check station to any Department license sales office or approximately 1,400 license agents and online.

This proposal also changes the name of the day use pass for non-hunting public uses to "day use permit" and specifies that day use permits may be obtained by any person in possession of a pre-purchased annual or daily Department lands pass. Annual and daily lands passes are available from Department license sales offices and License Agents.

This proposal also updates the waterfowl hunting reservation application process to allow hunters to apply for waterfowl hunting reservations using the ALDS. This proposal makes applying for reservations more convenient for hunters because it will allow them to apply at any License Agent, Department license sales office or online. This proposal further allows waterfowl hunters more flexibility in applying as a multiple choice application replaces one and five-choice applications.

Editorial relocation of Section 704 to existing Section 700.4 is proposed to move language affecting ALDS to one section and remove forms previously incorporated by reference prior to ALDS, and to improve readability for the public.

Other administrative changes affecting sport and commercial fishing fees are proposed to comply with the Fish and Game Code.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the Red Lion Hotel, 1830 Hilltop Drive, Redding, California, on Thursday, September 15, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments mailed, faxed or e-mailed to the Commission

office, must be received before 5:00 p.m. on September 12, 2011. All comments must be received no later than September 15, 2011, at the hearing in Redding, 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 all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Deputy 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 Jon Snellstrom at the preceding address or phone number. **Ms. Maria Melchiorre, Department of Fish and Game License and Revenue Branch, (916) 928-8322 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. 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 Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed actions 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. Fee adjustments pursuant to Section 713 of the Fish and Game Code are based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags or other entitlements issued by the Department of Fish and Game.

(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 Private Persons:

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) Other 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:

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

Jon K. Fischer
Deputy Executive Director

Dated: July 19, 2011