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Fish and Game Commission

Sonke Mastrup, Executive Director
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January 16, 2013

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to sections 1.74 and 701, Title 14, California Code of Regulations, relating to sport fishing report cards, which will be published in the California Regulatory Notice Register on January 18, 2013.

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

Dr. Craig Shuman, Marine Advisor to the Commission, (916) 215-9694 has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena

Sherrie Fonbuena
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, 205, 220, 1050, 1053.1, 1055.1 and 7380 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 220, 240, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381, and 7382 of said Code, proposes to amend sections 1.74 and 701, Title 14, California Code of Regulations, relating to sport fishing report card requirements and fees.

Informative Digest/Policy Statement Overview

Under current regulations (Section 1.74, Title 14, CCR) recreational anglers are required to fill out report cards when fishing for salmon in the Klamath-Trinity River System and Smith River, steelhead trout, white sturgeon, red abalone and California spiny lobster. Report cards are valid during the open fishing season for a calendar year and are required to be returned to the Department at the address specified on the card by January 31 of the following year. Current regulations specify procedures to replace lost report cards and stipulate that that any person who fails to return his report card by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

Current fees for sport fishing forms and report cards are specified in Section 701, Title 14, CCR.

The proposed regulatory changes will enact a non-reporting fee to recover the increased costs of management of lobster due to non-reporting of report cards; adjust the duration of the lobster report card and timing of reporting to match the lobster season; modify replacement procedures for lobster, steelhead, and salmon report cards; simplify reporting procedures; and update regulatory language to make it consistent with new procedures made possible through the implementation of the Automatic License Data System (ALDS). The following is a summary of changes proposed to sections 1.74 and 701, Title 14, CCR.

- Require a non-return fee of $20.00 to be applied at the time of purchase of a lobster report card for any individual who fails to return his lobster report card from the previous season by the deadline.
- Specify that lobster report cards shall be valid for the duration of the lobster fishing season and the deadline for the return of lobster report cards will be April 30 following the season for which the report card was valid.
- Update replacement report card procedures for lobster, steelhead and salmon report cards. Any person who loses his lobster, steelhead or salmon report card must provide a written affidavit to the Department that contains the following information:
    - A statement confirming that the originally issued report card cannot be recovered.
    - A statement of the cardholder's best recollection of the prior catch records that were entered on the report card that was lost.
    - A statement describing the factual circumstances surrounding the loss of the card.

- Simplify and clarify return and reporting procedures. Report cards sent by mail and not received by the Department will be assumed not returned and the individual will be required to report his report card as lost.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

The proposed regulations will benefit the environment in the sustainable management of California's sport fishing resources which in turn will benefit the health and welfare of California residents by encouraging outdoor exercise, consumption of nutritious food, intergenerational activities, and environmental awareness.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to adopt sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 6, 2013 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 in the Mt. Shasta Hatchery Museum #3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 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 February 24, 2013 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 March 4, 2013. All comments must be received no later than March 6, 2013, at the hearing in Mount Shasta, 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, Sonke Mastrup, 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 Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Craig Shuman, Commission Marine Advisor, (916) 215-9694, 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 202 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/Results of the Economic Impact Analysis

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.

Economic impacts of fishing are attributable largely to fishing effort, fishing opportunity, and fishing success. The proposed regulations would not alter fishing effort, fishing opportunity, or fishing success. Over time, the enhanced management efforts are expected to improve fishing success.

(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 Commission anticipates benefits to the environment through the sustainable management of California's sport fishing resources.

The Commission anticipates benefits to the health and welfare of California residents. Increased data to inform improved fisheries management is anticipated to increase outdoor recreational activities and encourage the consumption of fresh locally caught seafood.

The Commission does not anticipate any non-monetary benefits to worker safety.

(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 propose action.

The proposed fee assessed to anglers who fail to return their lobster report card is fully preventable and avoidable should an angler report or return his report card by the due date. In addition, if an angler did not return his report card by the due date, he has the option to wait a season and then be eligible to purchase a lobster report card without the additional fee.

(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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: January 8, 2013