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STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

July 24, 2013

To all Interested and Affected Parties

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 5.79 and 27.92, Title 14, California Code of Regulations, relating to White Sturgeon Report Card and Tagging Requirements, which are published in the California Regulatory Notice Register on August 26, 2013.

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

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Captain David Bess, Enforcement Branch, Department of Fish and Wildlife, phone (916) 651-9982, 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, and 205, Fish and Game Code and to implement, interpret or make specific sections 200, 202, and 205 of said Code, proposes to amend sections 5.79 and 27.92, Title 14, California Code of Regulations, White Sturgeon Report Card and Tagging Requirements.

Informative Digest/Policy Statement Overview

Current regulations require that a Sturgeon Report Card be purchased prior to fishing for white sturgeon in both inland and ocean waters. Attached to the report card are three white sturgeon tags. After a white sturgeon is caught and retained, the tag must be detached from the card and information such as date, size of fish and location caught must be written on the tag. The tag must then be attached to the fish. The daily bag limit for white sturgeon is one and the annual bag limit is three. Only one card may be issued to an angler per year.

Wildlife Officers in the field are finding many white sturgeon cards and tags that appear to be used more than once. The ink on the card and tags appear to be erased and written over with a new date and other info reinserted on the card and tag. Wildlife Officers have also witnessed this activity taking place during surveillances of white sturgeon anglers.

Currently, if a person fills out their white sturgeon card and tag and then makes it home without being checked by a Wildlife Officer, they can erase the information written on the tag and card and reuse the same line on the white sturgeon card and reuse the same tag. This activity is illegal. When this takes place undetected, the angler can catch and tag more than the annual limit of three white sturgeon.

Anglers are required to return Sturgeon Report Cards to the Department at the end of the year. Information from the report cards is used to assist in the management of the fishery.

Benefits of the Regulations.

This proposal changes the design and marking requirements to prevent some anglers from 'reusing' the tags by creating a permanent marking method.

The new tag would be changed to become similar to existing punch style tags for other species. The new tag will have months and days listed with a small bubble or circle shape next to each month and date and an area on the tag to document the time of catch. The angler must punch out the month and date and document the time of the catch. When the angler fills out the tag and punches out the date of catch, the tag cannot be reused. The angler will be in violation if the date of the catch is not punched out when a white sturgeon is kept and may be cited if caught by a wildlife officer.

This change will facilitate enforcement of daily and annual bag limits and fisheries management.

This proposed regulation change must become effective January 1, 2014. This will ensure only one type of Sturgeon Report Card will be available and valid at the beginning of the 2014 calendar year. This will coincide with the availability of 2014 fishing licenses.

Non-monetary benefits to the public.

The Commission anticipates that the proposed amendments to the regulations will provide non-monetary benefits to the public by improving enforcement of daily and annual bag limits, as well as preventing the illegal harvest of white sturgeon by anglers re-using tags.

The Commission anticipates non-monetary benefits to the health and welfare of California residents. Maintaining sustainable populations of white sturgeon in California will benefit the residents of the state by providing continued recreational angling opportunities.

The commission does not anticipate significant non-monetary benefits to the protection of public health, worker safety, the prevention of discrimination, the promotion of fairness and social equity, or to the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing state or federal regulations. Key word search in California Code of Regulations resulted in no other agency having authority for Sturgeon 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 at the Embassy Suites, 333 Madonna Road, San Luis Obispo, California, on Wednesday, August 7, 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 at the Crowne Plaza Ventura Beach Hotel, 450 East Harbor Blvd., Ventura, California on Wednesday, October 2, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments must be submitted by noon, September 20, 2013 to be included in Commission briefing binders at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments (oral or written) must be received no later than October 2, 2013, at the hearing in Ventura. 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 Jon Snellstrom at the preceding address or phone number.

Captain David Bess, Enforcement Branch, Department of Fish and Wildlife, phone (916) 651-9982, 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:

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 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. Proposed changes in the design of the White Sturgeon Report Card will not limit or expand the ability of people to fish for white sturgeon in inland and ocean waters.

(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 proposed regulation will have no impact on the creation or elimination of jobs or the creation/elimination/expansion of businesses in California because the amended provisions do not limit the ability of people to fish for white sturgeon in inland and ocean waters.

The Commission anticipates benefits to the environment in the form of improved enforcement of daily and annual bag limits, as well as preventing the illegal harvest of white sturgeon by anglers re-using tags.

The Commission anticipates benefits to the health and welfare of California residents. Maintaining sustainable populations of white sturgeon in California will benefit the residents of the state by providing continued recreational angling opportunities.

The Commission does not anticipate any benefits to worker safety.

(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:

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: July 9, 2013

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