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Fish and Game Commission

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6/25/14

June 20, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 200.12, 200.29 and 200.31, Title 14, California Code of Regulations, relating to the prohibition of the use of tiger salamanders as bait, which are published in the California Regulatory Notice Register on June 20, 2014.

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.

Laura Patterson, Wildlife Branch, phone (916) 341-6981, 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 2000, 2000.5, 2001, 2013, 2120, 2121, 2122, 2270, 2270.5, 2271, 2272, 6300, 6301, 6303, 6306, 6401, 8437, 8461, 8462, 8463, 8490, 8491, 15005, 15006 and 15101, Fish and Game Code.; proposes to Amend Sections 200.12, 200.29, and 200.31, Title 14, California Code of Regulations (CCR), relating to Tiger Salamander.

Informative Digest/Policy Statement Overview

Current regulations in sections 200.12, 200.29, and 200.31, Title 14, California Code of Regulations (CCR), provide for the legal use of waterdogs (i.e. tiger salamanders) as freshwater bait fish. These current regulations conflict with subsection 671(a) which specifies that it is "unlawful to import, transport, or possess" restricted species including tiger salamanders, which are listed in subsection 671(c)(3)(C)1.

The Commission proposes to remove the conflicting provisions in these sections from the regulatory text.

Benefits of the regulations

The benefits of the amended regulations, which remove references to "waterdogs" in sections 200.12, 200.29, and 200.31, will be in making these sections consistent with subsection 671(a). This will resolve any public confusion over the illegal use of waterdogs as bait in California.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government. The amended regulations clarify for the public that the use of waterdogs as bait is not permitted in the state.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to sections 200.12, 200.29, and 200.31 are neither inconsistent nor incompatible with existing state regulations. The changes will resolve existing inconsistencies with Section 671.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 2014, at 8:00 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 July 24, 2014 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 July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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. **Laura Patterson, Wildlife Branch, phone (916) 341-6981, 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/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 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, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

(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, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety because the proposed amendments do not affect health, welfare, or safety.

The Commission anticipates benefits to the state's environment because the amendments make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species (subsection 671(c)(3)(C)1.) due to their detrimental effects on native wildlife.

(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, 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

Dated: June 10, 2014

Sonke Mastrup
Executive Director