

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to Add Section 1.18, Title 14, California Code of Regulations,
Re: Bay-Delta Sport Fishing Enhancement Stamp, Geographic Parameters

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

Legislation (SB 692, Kuehl 2003) was recently enacted that: 1) establishes a Bay-Delta Sport Fishing Enhancement Stamp; 2) specifies that fees received for that stamp shall be deposited in a separate account in the Fish and Game Preservation Fund; 3) that fees received for that stamp shall be spent by the Department for the long-term, sustainable benefit of the primary bay-delta sport fisheries; and 4) that the director will appoint a Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee. This legislation is to become effective January 1, 2004.

The Department is recommending expedited Commission action to add a section to Title 14, CCR, that defines the geographic range where the Bay-Delta Sport Fishing Enhancement Stamp applies.

The legislation reads in part:

"SEC. 2. Section 7360 of the Fish and Game Code is amended to read:
7360. (a) A person shall not sport fish in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains, in addition to a valid California sport fishing license and any applicable stamp or validation issued pursuant to Section 7149 or 7149.05, a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to his or her valid sport fishing license. (b) The commission may modify, by regulation, the geographic parameters specified in subdivision (a)."

The existing legislation requires clarification of its geographic boundaries by the Commission prior to implementation. The most downstream dams on each major tributary were indicated in the legislation to define the upstream geographic range for the Bay-Delta Sport Fishing Enhancement Stamp. Because the Consumes River does not have a dam, the Department recommends the Highway 99 bridge as the upstream boundary on the Consumes River for the Bay-Delta Sport Fishing Enhancement Stamp range.

These changes need to be adopted on an emergency basis at the Commission's next regularly scheduled meeting of December 3-5, 2003. This is necessary because if the normal rulemaking process were pursued, it would conclude after SB 692, Kuehl 2003 takes effect on January 1, 2004.

II. Alternatives

The current geographic range described in legislation is not clear or enforceable. Clarifying the ambiguous language is the only reasonable alternative. No other alternatives would be as effective or less burdensome to anglers than this proposed action.

III. 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 Businesses to Compete with Businesses in Other States:

Clarifying the geographic range that applies to the Bay-Delta Sport Fishing Enhancement Stamp through regulation will not have a significant statewide adverse economic impact on California businesses.

- (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 a Representative Private Person or Business: None
- (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

IV. Plain English Policy Statement:

It has been determined that the adoption/amendment of these regulations will not affect small businesses. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342(e) and 11346.2(a)(1).

V. Authority and Reference:

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by Section 240 of the Fish and Game Code and to implement, interpret, or make specific Section 240 of said Code.

VII. Section 240 Finding:

Pursuant to Section 240 of the Fish and Game Code, the Commission made the finding that the adoption of this regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Informative Digest (Plain English Overview)

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