

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 2.00, Section 2.09, Section 2.30, Section 3.00,
Section 5.15, Section 5.37, Section 5.51, subsection (e) of Section 5.60,
Section 7.00, subsections (a), (b)(12), (b)(19.5), (b)(28.5), (b)(53.8),
(b)(68.2), (b)(72.5), (b)(84), (b)(170.5), (b)(171.6), (b)(181), and
(b)(187.5) of Section 7.50, Section 27.80, and Section 700, and
Add Section 1.54 and subsection (b)(4.5) and (b)(25.3) of Section 7.50, and
Repeal subsection (b)(88) of Section 7.50
Title 14, California Code of Regulations
Re: Minor Regulatory Revisions and Cleanup

I. Date of Initial Statement of Reasons: June 11, 2009

II. Dates and Locations of Scheduled Hearings:

- | | | |
|-----|---------------------|--|
| (a) | Notice Hearing: | Date: August 6, 2009
Location: Woodland, CA |
| (b) | Discussion Hearing: | Date: October 1, 2009
Location: Woodland, CA |
| (c) | Discussion Hearing: | Date: November 5, 2009
Location: Woodland, CA |
| (d) | Adoption Hearing: | Date: December 11, 2009
Location: West Sacramento, CA |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

This Department proposal is a combination of Department and public requests for Title 14, California Code of Regulations (CCR) minor revisions and cleanup for the 2009 triennial sport fishing review cycle.

This proposal will repeal the license display requirement, clarify regulations for the take of saltwater species in inland waters, institute new grass carp retention measures, and minor additions to the special regulations. The Department has also determined that Title 14, CCR, has errors due to incorrect or missing Title 14 updates, incorrect cross-section references, typographic errors, and other regulatory problems that increase public confusion of the regulation's intent and regulation complexity.

For public notice purposes to facilitate Commission discussion, the Department is proposing the following changes to current regulations as discussed in the following paragraphs:

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Section 700(a) requires every angler to display their sport fishing license above their waist while fishing. This regulation was enacted in 1994 to increase license sales and allow wardens to check for compliance from a distance.

While license sales increased slightly in 1994, sales have declined since then. License sales figures have fluctuated over the years and show a slight declining trend. The increase in sales in 1994 can not be verifiably linked to the license display requirement.

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Sport fishermen often complain to the Department’s Law Enforcement Division (LED) when they cannot fish for crabs in these saltwater estuaries because of stream closures. The LED is proposing to allow take of saltwater species in inland waters under marine regulations under certain conditions.

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If Grass carp are able to escape Brown's Pond and Lake Siskiyou, the potential for negative impacts on aquatic resources would be severe. The damages would be extensive and would further hinder the Sacramento River's salmon populations.

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– Allow for an exception to the possession of grass carp and add reporting requirements in Siskiyou and Shasta counties similar to northern pike regulations to assist with eradication efforts.

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This discrepancy is confusing to anglers and nearly impossible to effectively enforce. Also a conservation measure is being proposed by Santa Clara County Parks (with support from DFG) for re-operation of an on-channel pond (previously known as Sprig Lake) as rearing habitat for juvenile steelhead.

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These special measures are now expired and this proposal will remove them to clean up the regulatory language and reduce public confusion.

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– Remove expired regulatory language for clarity.

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- Place a reference to the trout and salmon sport fishing districts which are also used as boundaries in inland non-trout regulations to reduce public confusion.

Amend Section 2.09, Possession of Illegal Gear Regulations.

- Add canals to locations where illegal gear is not allowed to clarify enforcement jurisdiction.

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– Add tilapia to the authorized species for the Colorado River District as it was lost during previous Title 14 updates.

Amend Section 3.00, Statewide Fishing Hour Regulations.

– Revise table in subsection (b)(D)(2) for clarity and regulation simplification.

Amend Section 5.15, Statewide Catfish and Bulhead Regulations.

– Correct a typographical error from a previous Title 14 update.

Amend subsection (e) of Section 5.60, Methods of Take for Statewide Reptile Regulations.

– Correct cross reference in the “methods of take” subsection to reduce public confusion.

Amend Section 7.00 and subsection 7.50(a), Clarification of District and Special Regulations Restrictions.

– Add clarification that gear restrictions listed in these sections apply to the take of all species of fish unless otherwise noted to reduce public confusion.

- Add clarification that restrictions on fishing methods and gear, fishing hours, and the use of bait contained in other section may also apply to reduce public confusion.

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– Remove reference to a footbridge in subsection (A) to reduce public confusion.

Amend subsection 7.50(b)(19.5), Big Bear Lake tributaries special regulations.

– Change the season closing date to the last day in February to cover leap years to reduce public confusion.

Amend subsection 7.50(b)(28.5), Burney Creek Special Regulations.

– Add total length to size limit to reduce public confusion and improve enforcement.

Amend subsection 7.50(b)(68.2), Feather River North Fork Special Regulations.

– Add Butte County to the county list for clarity and to reduce public confusion.

Amend subsection 7.50(b)(72.5), Guadalupe River Special Regulations.

– Remove redundant information from bag limit column. A zero bag limit indicated without a species will apply to all salmonids and fishing for other species is already allowed by subsection. This change will reduce public confusion and align the regulatory language of this subsection with the other special regulations.

Amend subsection 7.50(b)(84), Junction Lake and Tributaries Special Regulations.

– Correct a typographic error in the spelling of Mono County for clarity.

Repeal subsection 7.50(b)(88), Title 14, CCR, is a reserve section that contains duplication regulations.

- Repeal this subsection as it is a partial duplicate of Subsection 7.50(b)(87) to reduce public confusion.

Amend subsection 7.50(b)(170.5), San Mateo Creek and Tributaries Special Regulations.

– Correct abbreviation for county to align the regulatory language of this subsection with the other special regulations.

Amend subsection 7.50(b)(171.6), San Margarita River and Tributaries Special Regulations.

– Correct abbreviation for county to align the regulatory language of this subsection with the other special regulations.

Amend subsection 7.50(b)(181), Sonoma Creek and Tributaries Special Regulations.

– Correct cross reference to Section 8.00(b) to reduce public confusion.

Amend subsection 7.50(b)(187.5), Stevens Creek Special Regulations.

– Remove redundant information from bag limit column. A zero bag limit without a species shown will apply to all salmonids and fishing for other species is already allowed by subsection. This change will reduce public confusion and align the regulatory language of this subsection with the other special regulations.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Section 1.54

Authority: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference: Sections 200, 202, 205, 206 and 220, Fish and Game Code.

Section 2.00

Authority: Sections 200, 202, 205, 219, 220 and 7149.4, Fish and Game Code.

Reference: Sections 200, 202, 206, 220 and 7149.4, Fish and Game Code.

Section 2.09

Authority: Sections 200, 202, 205 and 220 Fish and Game Code.

Reference: Sections 200, 202, 205, 206 and 220, Fish and Game Code.

Section 2.30

Authority: Sections 200, 202, 205 and 210 Fish and Game Code.

Reference: Sections 200, 202, 205 and 210, Fish and Game Code.

Section 3.00

Authority: Sections 200, 202, 205, 215, 220 and 240 Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 5.15

Authority: Sections 200, 202, 205, 215, 220 and 240 Fish and Game Code.

Reference: Sections 200, 202, 205 and 206, Fish and Game Code.

Section 5.37

Authority: Sections 200, 202, 205 and 220 Fish and Game Code.

Reference: Sections 200 and 205 Fish and Game Code.

Section 5.51

Authority: Sections 200, 202, 205, 220 and 240 Fish and Game Code.

Reference: Sections 200, 202, 220 and 240, Fish and Game Code.

Section 5.60

Authority: Sections 200, 202, 205, 210, 219 and 220 Fish and Game Code.

Reference: Sections 200, 201, 202, 203.1, 205, and 220, Fish and Game Code.

Section 7.00

Authority: Sections 200, 202, 205, 220 and 240 Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 7.50

Authority: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code.

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Section 27.80

Authority: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code.

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Section 700

Authority: Sections 200, 202, 203, 205, 215, 1050 and 3050, Fish and Game Code.

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(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department discussed the regulatory proposal at the Commission's Taucher subcommittee on June 23, 2009 and at the Commission's June meeting on June 24, 2009.

The 45-day comment period provides additional time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative would leave existing regulations in place with inconsistent regulations and ongoing enforcement issues.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment. Therefore, no mitigation is necessary.

VI. 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:

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. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

(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:

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) 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.

Informative Digest (Policy Statement Overview)

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