

would give wardens latitude in enforcing laws without having to contend with a biological grey area as it relates to proof of species. An agency which enforces plant and animal laws is placed at a disadvantage if it lacks regulations to reasonably address hybrid issues.

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

Authority: Sections 200, 203, 205 and 2120, Fish and Game Code.

Reference: Sections 1002, 2000, 2001, 2116, 2118, 2118.2, 2118.4, 2119-2155, 2190, and 2271, Fish and Game Code.

- (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:

None

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

An alternative would be to amend multiple sections within the Code and or T-14. This is unnecessary since a general section can remedy the majority of issues and those issues that need specific attention can be made exceptions to the general provision.

- (b) No Change Alternative:

The no change alternative was considered and rejected due to the fact that ignoring the problem would leave the situation unresolved.

- (c) Consideration of Alternatives:

In view of 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 the 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 measures are needed.

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 proposal recognizes the heritage of animals and plants enabling the Department to maintain control of species, and their hybrids, that it already regulates.

(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:

No significant impact. Possible impact in those that deal in hybrids of restricted species.

(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. However, undesirable hybrids can be affected and therefore those that commercially deal in such hybrids may be affected.

(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

Informative Digest/Policy Statement Overview

The Department should have as an enforcement tool a general section regulating hybrid plants and animals. A hybrid of two or more species is not a specific species and therefore is not addressed within most regulations or code sections referring to limits, seasons, take, and possession. Potential examples are: a hybrid bass (i.e. largemouth and spotted bass that naturally occurs in a lake), hybrids of restricted exotic cats and non-restricted domestic cats, and hybrid canines such as coy-dogs (coyote and dog).

The mixing of species is expanding as scientific methods improve. Examples of potential problem areas are abalone, fin fish, falconry, waterfowl, aquaculture, and restricted exotic species. The proposal would not only help regulate true hybrids but would help in preventing violators from using a “hybrid defense”. The proposal would give the Department flexibility in enforcing various laws and regulations. Nature and science can produce hybrids and an agency which enforces plant and animal laws is placed at a disadvantage if it lacks regulations to reasonably address hybrid issues.