

**STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION**

Amend Subsections 551(g), (j) and (q) and Sections 700.4, 701 and 705;
And Repeal Section 704, Title 14, California Code of Regulations (CCR)

Re: ALDS Acceptable Forms of Identification; Wildlife Area Passes and Annual Fee
Adjustments for Sport Fishing and Commercial Fishing

- I. Date of Initial Statement of Reasons: April 1, 2011
- II. Date of Pre-adoption Statement of Reasons: None
- III. Date of Final Statement of Reasons: September 21, 2011
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 30, 2011
Location: Stockton
 - (b) Discussion and Adoption Hearings: Date: September 15, 2011
Location: Redding
- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

- a. Proposal Source: Tom Raftican, President at The Sportfishing Conservancy (oral comment at September 15, 2011 Commission Meeting)

Description of Proposed Action by Public: Recreational fishermen pay approximately \$60 million in fees and SFRA to the Department each year. It's time to take a look at commercial fishing fees. The Department put out papers on a study a few years ago that it costs a minimum of \$22 million a year to manage commercial fisheries. Latest income is \$6 million a year. Subsidizing commercial fishing between \$16-17 million annually. Eighty per cent of resource harvested is exported. For profit business and use a business model. Budget restraints money to DFG for good use.

Recommendation: Reject

Analysis: Mr. Raftican's comments were out side of the scope of these regulations which would simply provide for a fee adjustments were made to comply with Fish and Game Code Section 713. The proposal did not make changes to or address reviewing the current fee structure for commercial fishing permits.

(b) Proposal Source: Bill Gaines, President California Outdoor Heritage Alliance (oral comment at September 15, 2011 Commission Meeting)

Description of Proposed Action by Public: Urge the Department to work with Ducks Unlimited, California Waterfowl Association, and California Outdoor Heritage Alliance to get the word out that no items will be sold at check stations, therefore hunters need to be licensed prior to arrival. Open to make changes to make the process flow smoothly in the early morning hours at the check stations.

Recommendation: Accept

Analysis: A May 2011 press release notified hunters of the upcoming changes at the check stations. Information is posted on the Department's web page, and posted on the online and printed version of the 2011-12 Waterfowl and Upland Game Hunting and Department Lands Public Use Regulations booklet. Information was also printed in the newsletter that is mailed to hunters who participated in the prior year waterfowl reservation drawings. Mr. Gaines comments will be accepted and communicated outside of the scope of this rulemaking, through Department public media resources.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

None. There is no reasonable alternative to the proposed action. Existing regulations would not comply with the provisions of Section 713 of the Fish and Game Code that allow the Department to adjust the fees to compensate for increases in annual costs of goods and services.

(b) No Change Alternative:

Under the no change alternative, fees and applications for sport and commercial fishing licenses and permits would not be in compliance with Fish and Game Code Section 713 or provisions in the Fish and Game Code.

(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 regulations are proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. 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 Businessmen to Compete with Businesses in Other States:

The proposed actions 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. Fee adjustments pursuant to Section 713 of the Fish and Game Code are based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags or other entitlements issued by the Department of Fish and Game.

(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 Private Persons:

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) Other 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

UPDATED INFORMATIVE DIGEST/Policy Statement Overview

This proposal adds two new and clarifies one previous acceptable form of identification when a customer applies for a license in ALDS. The changes ensures customers are uniquely identified in the ALDS database and removes unintended barriers for customers to purchase licenses. This section is also amended to transfer provision of Section 704 in and for consistency to Fish and Game Code 1050(e), by defining the surcharge as an “application fee.”

One-day entry permits are not currently issued at Department license sales offices or License Agents because they are area specific and non-transferable. Beginning in 2011/2012, sales transactions of any type will no longer be feasible at Department check stations; therefore, this proposal is needed to allow for the issuance of pre-paid one-day entry passes at license agents, Department offices, and online. This proposal increases the number of locations that a one-day pass may be purchased from only at the check station to any Department license sales office or approximately 1,400 license agents and online.

This proposal also changes the name of the day use pass for non-hunting public uses to “day use permit” and specifies that day use permits may be obtained by any person in possession of a pre-purchased annual or daily Department lands pass. Annual and daily lands passes are available from Department license sales offices and License Agents.

This proposal also updates the waterfowl hunting reservation application process to allow hunters to apply for waterfowl hunting reservations using the ALDS. This proposal makes applying for reservations more convenient for hunters because it will allow them to apply at any License Agent, Department license sales office or online. This proposal further allows waterfowl hunters more flexibility in applying as a multiple choice application replaces one and five-choice applications.

Editorial relocation of Section 704 to existing Section 700.4 is proposed to move language affecting ALDS to one section and remove forms previously incorporated by reference prior to ALDS, and to improve readability for the public.

Other administrative changes affecting sport and commercial fishing fees are proposed to comply with the Fish and Game Code.

These regulations were adopted by the Fish and Game Commission, as noticed, at its September 15, 2011 meeting in Redding. No other changes were made.