

**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 713, 1050, 9054 and 9055, of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, of said Code, proposes to amend Section 120.7, Title 14, California Code of Regulations, relating to Commercial Sea Urchin Fishery.

Informative Digest/Policy Statement Overview

State law (Section 9054, Fish and Game Code) authorizes the Commission to set the conditions for issuance of commercial sea urchin diving permits, and to limit the number of permits that may be issued when necessary to prevent overutilization or to ensure efficient and economic operation of the fishery on a statewide basis or within selected geographical areas.

Proposed changes to regulations:

- Subsection 120.7(d)(2), Title 14, CCR, currently provides for new sea urchin diving permits to be issued annually, dependent on whether the number of renewed permits from the prior year is less than or greater than the capacity goal of 300. The proposed amendments to the regulation would ensure that if any new permits are added, the capacity goal of 300 permits will not be exceeded. All qualified diving permits from the previous year are eligible to be renewed.
- Existing regulations (subsection 120.7(m), Title 14, CCR) require that each permittee shall record daily fishing activity records on a logbook provided by the Department, and specifies to which office the completed daily records shall be sent based on the location of fishing activity. The proposed regulation would add a cross-reference to Section 190, Title 14, CCR, regarding fishing activity records, and would delete the location of Department offices where fishing activity records shall be sent, since this information is already specified on the logbook forms.

The proposed regulatory action will benefit fishermen, processors, and the State's economy in the form of a healthy sustainable fishery, and future harvestable sea urchin populations.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial take of sea urchins (Sections 9054 and 9055, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has

searched the California Code of Regulations and finds no other State agency regulations pertaining to the commercial take of sea urchins.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort and Spa, 2777 Fourth St., in Santa Rosa, California, on Wednesday, April 13, 2016 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 14, 2016. 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, Michael Yaun, Acting 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 Michael Yaun or Sheri Tiemann at the preceding address or phone number. **Ms. Susan Ashcraft, Fish and Game Commission, phone (916) 653-1803, 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 proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery.

- (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:

No impacts on the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses or the expansion of businesses are anticipated because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

- (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.

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

Michael Yaun
Acting Executive Director

Dated: February 16, 2016