

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

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative would leave existing regulations in place without a solution to the following issues raised by the public.

The Strawberry Creek management boundary at Clam Beach has migrated a considerable distance to the south requiring a much longer walk to the southern management zone from the nearest parking lot, which is especially difficult for elderly and infirmed persons. In addition, the original intent of the creek boundary was to more or less evenly divide Clam Beach into two management zones and the creek migration has contributed to a distinctly uneven zonation of the beach.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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 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 fishing opportunity 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulation changes are intended to provide increased razor clam fishing opportunity in Humboldt County in even numbered years.

The Commission anticipates benefits to the environment by the sustainable management of California's razor clam resource.

The Commission does not anticipate any non-monetary benefits to worker safety.

- (d) 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.

- (e) 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.

Updated Informative Digest/Policy Statement Overview

Under existing law, razor clams may be taken for recreational purposes with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission). Current regulations for clams specify bag and possession limits, open/closed fishing areas by year, fishing hours and gear restrictions. The proposed regulation change is in response to public recommendations including Humboldt Area Saltwater Angers and Humboldt County Board of Supervisors, and would restore the original location of the management boundary at Little River Beach, Humboldt County.

The razor clam management boundary line at Little River Beach, commonly referred to as Clam Beach, is a seasonal creek, named Strawberry Creek, which was meant to divide the beach into approximate equal segments that could be fished in alternate years. Since the adoption of this regulation in 1953 in response to a decline in larger clams, this natural creek has meandered southward by 0.6 miles from its original location, resulting in a larger area in the northern section open for clamming during odd-numbered years. In even-numbered years, clammers now have to travel quite far south from the beach access point, the south county parking lot, to reach the smaller, southern section of the beach. The original location of the creek divided the beach relatively near where a county-maintained public parking lot exists today.

Rotating areas for clamming has been shown to encourage the recovery and productivity of clam beds for future seasons while relieving fishing pressure on alternate years so that clams can grow unmolested. As a result of the southward migration of the creek boundary line, the goal of an annual rotation of effort somewhat equally distributed between north and south sections of the beach has been compromised. The amendment would address the following:

1. Replace reference to the Strawberry Creek boundary with the boundary line due west from the county parking lot trailhead located at 40° 59.67' north latitude.
2. Also replace the name Little River Beach with Clam Beach while using the former name parenthetically.

Benefits of the Regulation

The Commission anticipates benefits to the razor clam resource and its fishery in Humboldt County. The proposed regulation changes are intended to provide increased clam fishing opportunity in even-numbered years by increasing the size of the open southern Clam Beach management zone, thereby restoring the original intent of the regulation. The Commission anticipates benefits to the environment by the sustainable management of California's razor clam resources.

Consistency with State or Federal Regulations

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 recreational take of razor clams, specifically the size and bag limits, seasons and means of taking (Fish and Game Code sections 200 and 205). 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 recreational take of razor clams.

There have been no changes in applicable laws or to the effect of the adopted regulations from the laws and effects described in the Notice of Proposed Action.

The Fish and Game Commission adopted the proposed regulations as described in the Notice of Proposed Action at its December 8, 2016 meeting.

Also, non-substantive changes to the authority and reference sections are the result of changes to the Fish and Game Code by SB 1473, Chapter 546 which took effect on January 1, 2017. These changes reflect some reorganization within the Fish and Game Code.