

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

Amend Sections 1.74
Title 14, California Code of Regulations
Re: Annual Sport Fishing Regulations - Sport Fishing Report Card Requirements

- I. Date of Initial Statement of Reasons: March 16, 2018

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: August 23, 2018
Location: Fortuna

 - (b) Discussion Hearing: Date: October 18, 2018
Location: Fresno

 - (c) Adoption Hearing: Date: December 13, 2018
Location: Oceanside

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 California Department of Fish and Wildlife (Department) proposal requests changes to Title 14, California Code of Regulations (CCR), for the Annual Sport Fishing Regulations review cycle. Existing regulations established guidelines for report card regulations including the need for reporting harvest authorized by a report card; however, this section does not include the same mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card until for 90 days after the reporting deadline, in the same way it is regulated with other types of report cards in Title 14. The proposed regulatory changes are needed to reduce public confusion, improve the accuracy of data collected, and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

SPORT FISHING REPORT CARD REQUIREMENTS

Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the

provided confirmation number on their report card and retain the report card until 90 days after the reporting deadline. The objectives of this proposed regulations are to:

- Ensure continued fishing opportunities for anglers in California by providing the Department with more timely, accurate and comprehensive data on success and take levels;
- Establish a retention period of 90 days, during which time the Department may request the angler surrender the report card to audit the reporting process;
- Establish consistency with other report card procedures that include a 90 day retention period.

When a report card is lost, a licensee may wish to obtain a replacement report card, or may simply need to fulfill the harvest reporting requirement before the reporting deadline. Section 1.74 does not currently provide guidelines for licensees who have lost their report card and need to report their harvest, but do not need to obtain a replacement report card. This proposal updates procedures regarding lost report cards to provide guidelines for obtaining a replacement report card, and also for reporting harvest from a lost report card without obtaining a replacement report card.

Proposal: Amend Section 1.74, Sport Fishing Report Card Requirements

Amend Section 1.74 to update procedures for reporting online and for lost report cards.

Minor Editorial Corrections for Clarity

In addition to the above proposals, minor editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

Benefits of the Proposed Regulations

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy is to ensure more accurate data reporting as well as a mechanism to audit the data reported. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence, and verifiable accuracy of the data will further help to improve the fisheries impacted by this action.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

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

Authority: Sections 200, 205, 265, 270, 275, 1050, 1053.1, 1055.1, 7380 and 8491, Fish and Game Code.

Reference: Sections 110, 200, 205, 255, 265, 270, 275, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381, and 7382, 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:

No public meetings are scheduled prior to the notice publication. The 45-day public notice comment period provides adequate time for review of the proposed changes.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternative were identified.

- (b) No Change Alternative:

The no change alternative would leave existing regulations in place.

- (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.

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 Department assessed the potential for significant statewide adverse economic impacts that might result from the proposed regulatory action, and made the following initial determinations relative to the required statutory categories:

- (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 is not anticipated to 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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

- (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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore, the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Sport fishing contributes to increased mental health of its practitioners as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission 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.

VII. Economic Impact Assessment:

The proposed regulations will provide an update for a confirmation procedure for the submission of sport fishing report cards and will correct some text errors.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The effects of the proposed action are anticipated to be neutral to the creation or elimination of jobs within the state. The proposed action is a procedural update to an existing report card process. No changes in fishing effort and sport fishing expenditures to businesses are expected as a result of the proposed regulation changes.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The effects of the proposed action are anticipated to be neutral to the creation or elimination of businesses within the state. The proposed action is a procedural update to an existing report card process. No changes in fishing effort and sport fishing expenditures to businesses are expected as a result of the proposed regulation changes.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The effects of the proposed action are anticipated to be neutral to the expansion of businesses currently doing business within the state. The proposed action is a procedural update to an existing report card process. No changes in fishing effort and sport fishing expenditures to businesses are expected as a result of the proposed regulation changes.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The proposed action is not anticipated to impact the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

The proposed action is not anticipated to impact worker safety conditions.

(f) Benefits of the Regulation to the State's Environment:

The proposed action is not anticipated to provide any benefits to the state's environment.

Informative Digest/Policy Statement Overview

This California Department of Fish and Wildlife (Department) proposal requests changes to Title 14, California Code of Regulations (CCR), for the Annual Sport Fishing Regulations review cycle. This proposal will update the sport fishing report card requirements, and make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

SPORT FISHING REPORT CARD REQUIREMENTS

Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card until 90 days after the reporting deadline.

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The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.