

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR PROPOSED REGULATORY ACTION

Amend Section 509
Title 14, California Code of Regulations
Re: Concurrence with Federal Regulations

- I. Date of Initial Statement of Reasons: October 30, 2018

- II. Dates and Locations of Scheduled Hearings
 - (a) Notice Hearing: Date: December 13, 2018
 Location: Oceanside, CA

 - (b) Discussion Hearing: Date: February 6, 2019
 (if necessary) Location: Sacramento, CA

 - (c) Adoption Hearing: Date: April 17, 2019
 Location: Santa Monica, CA

III. Description of Regulatory Action

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Current regulations in Section 509, Title 14, California Code of Regulations (CCR), incorporate requirements found in Federal regulations, including requirement that hunters must possess a Federal migratory-bird hunting and conservation stamp for the taking of migratory birds. The U.S. Fish and Wildlife Service (Service) has begun issuing an electronic stamp, or E-stamp. To be consistent with Federal regulations and allow the Department to issue electronic Federal migratory-bird hunting and conservation stamps in the future, amendments to the text of Section 509 are necessary.

The proposed change is:

Amend the language in Section 509(c) to include "...or an unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...".

- (b) Goals and Benefits of the Regulation:

The benefits of the proposed administrative change are concurrence with Federal

law. The regulations provide for the conservation and maintenance of sufficient waterfowl populations to ensure their continued existence.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section 355, Fish and Game Code.

Reference: Sections 355 and 356, Fish and Game Code.

(d) Specific Technology or Equipment Required by Regulatory Change: None.

(e) Identification of Reports or Documents Supporting Regulation Change: None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication: No public meetings are being held prior to the notice publication.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No other alternatives were identified.

(b) No Change Alternative:

The No Change Alternative would maintain the existing language that refers only to possession of a physical Federal migratory-bird hunting and conservation stamp and not of the E-stamp which is equally sufficient for proof of possession.

(c) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: None.

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.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, the Competitive Advantages or Disadvantages for Businesses Currently Doing Business Within the State; the Increase or Decrease of Investment in the State; the Incentives for Innovation in Products, Materials, or Processes; Benefits of the Regulation to the Health, Safety and Welfare of California Residents, Worker Safety, and the State's Environment and Quality of Life:

The Commission does not anticipate any impacts on: the creation or elimination of jobs, the creation of new business or the elimination of existing businesses or the expansion of businesses in California, a decrease or increase in investment in California, incentives for innovation, benefits related to the regulation of health, safety and welfare of California residents, worker safety, and the State's environment because the proposed action is an administrative action to facilitate the recognition of the electronic Federal migratory-bird hunting and conservation stamp issued for hunting migratory game birds in California. If this administrative action increases transaction costs for hunters, minor negative impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations.

- (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.

- (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.

VII. Economic Impact Assessment:

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

Little to minor positive impacts on the creation of jobs within businesses that provide services to waterfowl hunters may result from amending state regulations to concur with Federal regulations for the 2019-20 season. The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California (revised 2011), estimated that waterfowl hunters contributed about \$169,115,000 to small businesses in California during the 2011 waterfowl hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. The 2011 report is posted on the U.S. Department of Commerce website at https://wsfrprograms.fws.gov/Subpages/NationalSurvey/2011_Survey.htm. A 2016 report is available, however data was not collected at the state level. The long-term intent of the proposed regulation is to allow hunters to obtain an electronic Federal migratory-bird hunting and conservation stamp in place of a physical federal stamp, which minimizes confusion with the hunting public and ensures compliance with state and federal regulations.

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

The proposed regulation is not anticipated to prompt the creation of new businesses or the elimination of existing businesses within the state. Minor variations in regulations pertaining to hunting are, by themselves, unlikely to stimulate the creation of new businesses or cause the elimination of existing businesses. The number of hunting trips and the economic contributions from the trips are not expected to change substantially.

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

The proposed regulation is unlikely to stimulate substantial expansion of businesses currently doing business in the state. The long-term intent of the proposed regulation is to allow hunters to obtain an electronic Federal migratory-bird hunting and conservation stamp in place of a physical stamp, which minimizes confusion with the hunting public and ensures compliance with state and Federal regulations.

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

The regulation itself does not have direct benefits as it is an administrative change. However, hunting is an outdoor activity that can provide several health and welfare benefits to California residents. Hunters and their families benefit from fresh game to eat, and from the benefits of outdoor recreation including exercise. People who hunt

have a special connection with the outdoors and an awareness of the relationships between wildlife, habitat, and humans. With that awareness comes an understanding of the role humans play in being caretakers of the environment. Hunting is a tradition that is often passed from one generation to the next creating a special bond between family members and friends.

(e) Benefits of the Regulation to Worker Safety:

The regulations will not affect worker safety because they do not address working conditions.

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

As set forth in Fish and Game Code section 1700, it is the policy of the state to encourage the conservation, maintenance, and utilization of waterfowl resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of waterfowl to ensure their continued existence and the maintenance of a sufficient resource to support recreational opportunity. Modifying state regulations to comply with federal regulations minimizes confusion and ensures compliance. Additionally, the fees that hunters pay for licenses and stamps fund wildlife conservation.

Informative Digest/Policy Statement Overview

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The proposed change is:

Amend the language in Section 509(c) to include "...or an unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...".

Benefits of the regulations

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the State's waterfowl resources.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 509 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.