

Approved Regulatory Language

Section 1.74, Title 14, CCR, is amended as follows:

§ 1.74. Sport Fishing Report Card Requirements.

(a) Purpose. These regulations are designed to improve recreational fishing effort and catch information in some or all areas where the fisheries operate. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

(b) Report card requirements apply to any person fishing for or taking the following species regardless of whether a sport fishing license is required:

(1) Salmon, in the anadromous waters of the Klamath, Trinity, and Smith river basins. Anadromous waters are defined in Section 1.04 of these regulations.

(2) Steelhead trout.

(3) White sturgeon.

(4) Red abalone.

(5) California spiny lobster.

(c) General Report Card Requirements.

(1) Any person fishing for or taking any of the species identified in this Section shall have in his immediate possession a valid non-transferable report card issued by the department for the particular species. See special exemption regarding possession of report cards for lobster divers in Section 29.91 of these regulations.

(2) All entries made on any report card or tag shall be legible and in indelible ink.

(3) A report card holder fishing with a one, two, or ten-day sport fishing license, may replace the expired fishing license without purchasing a new report card so long as the report card is still valid.

(4) Report cards are not transferable and shall not be transferred to another person. No person shall possess any report card other than his own.

(5) A person may only obtain one abalone report card and one sturgeon report card per report card period.

(6) Any report card holder who fills in all available lines on his steelhead, salmon or lobster report card shall return or report the card to the department pursuant to subsection 1.74(e) prior to purchasing a second card.

(7) Data recording and tagging procedures vary between report cards and species. See specific regulations in sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 that apply in addition to the regulations of this Section.

(d) Report Card Return and Reporting Requirements

(1) Report card holders shall return or report their salmon, steelhead, sturgeon, or abalone report cards to the department pursuant to subsection 1.74(e) by January 31 of the following year.

(A) Any report card holder who fails to return or report his salmon, steelhead, sturgeon, or abalone report card to the department by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

(2) Report card holders shall return or report their lobster report cards pursuant to subsection 1.74(e) by April 30 following the close of the lobster season for which the card was issued.

(A) Any report card holder who fails to return or report his or her lobster report card by April 30 following the close of the lobster season specified on the card shall be subject to a nonrefundable non-return fee specified in Section 701, in addition to the annual report card fee, for the issuance of a lobster report card in the subsequent fishing season.

(e) Report Card Return and Reporting Mechanisms:

(1) By mail or in person at the address specified on the card. A report card returned by mail shall be postmarked by the date applicable to that card as specified in subsection 1.74(d)(1) or 1.74(d)(2).

(2) Online through the department's license sales service website by the date applicable to that card as specified in subsection 1.74(d)(1) or 1.74(d)(2).

Report card holders reporting online will be provided a confirmation number upon successful submission. The report card holder must record the provided confirmation number in the space provided on the report card and retain the report card for 90 days after the reporting deadline. Report cards submitted online must be surrendered to the department upon demand.

(3) If a report card is submitted by mail and not received by the department, it is considered not returned unless the report card holder reports his or her report card as lost pursuant to subsection 1.74(f).

~~(f) Lost report cards.~~

~~(1) Any report card holder who loses his report card shall submit an affidavit, signed under penalty of perjury, in person to a department license sales office containing all of the following information:~~

~~(A) A statement containing the report card holder's full name confirming that the originally issued report card cannot be recovered.~~

~~(B) A statement containing the report card holder's best recollection of the prior catch records that were entered on the report card that was lost.~~

~~(C) A statement describing the factual circumstances surrounding the loss of the card.~~

~~(2) An affidavit for a lost report card shall be presented at a department license sales office, by the date applicable to that card specified in subsection 1.74(d)(1) or 1.74(d)(2) to be considered returned.~~

~~(3) Notwithstanding subsection 1.74(c)(5), any report card holder who loses his report card during the period for which it is valid may replace the lost report card by submitting an affidavit as described in subsection 1.74(f)(1) and payment of the report card fee and replacement processing fee specified in Section 701.~~

(A) Based on the information provided in the written affidavit for abalone and sturgeon report cards, the department shall issue only the number of tags that were reported unused on the previously issued report card.

(f) Lost report cards.

(1) Lobster, salmon, and steelhead. Notwithstanding subsection 1.74(c)(5), any report card holder who loses his or her report card during the report card period for which it is valid may purchase an additional report card by submitting payment to an authorized license agent or department license sales office. Catch information from the lost report card shall not be transferred to the new card. Information from lost lobster, salmon, and steelhead report cards shall be reported as specified in subsection 1.74(f)(3).

(2) Abalone and sturgeon. Notwithstanding subsection 1.74(c)(5), any report card holder who loses his or her report card during the period for which it is valid may purchase a replacement report card. The Department may issue a replacement report card for abalone and sturgeon upon completion of the following:

(A) The replacement report card shall be reported pursuant to the requirement for the original report card as specified in subsection 1.74(d). Note: the original report card should not be reported.

1. Submitting an affidavit to any department license sales office containing all the information specified in subsection 1.74(f)(3)(B); and

2. Submitting payment of the report card fee and the non-refundable replacement-processing fee specified in Section 701.

(B) Department staff shall enter the harvest information from the affidavit to the replacement report card.

(C) Based on the information provided on the affidavit, department staff shall remove tags reported as used and issue only the number of tags that were reported as unused on the lost original report card.

(D) Report card holders shall verify that the harvest information has been accurately transferred from the affidavit to his or her replacement report card.

(3) Reporting requirements. Except for lost abalone and sturgeon report cards for which a replacement card was purchased, all lost report cards shall be reported by the harvest report submission deadline date applicable to that card as specified in subsection 1.74(d)(1) or 1.74(d)(2) by one of the following methods:

(A) Online through the department's license sales service website; or

(B) Submitting an affidavit, signed under penalty of perjury, to a department license sales office containing the following information:

1. The report card holder's full name, GOID#, and a statement confirming that the originally issued report card is lost and cannot be recovered.

2. A statement containing the report card holder's best recollection of the prior catch records that were entered on the report card that was lost.

3. A statement describing the factual circumstances surrounding the loss of the report card.

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

Reference: Sections 110, 200, 205, 265, 275, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381 and 7382, Fish and Game Code.