

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR 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. Date of Final Statement of Reasons: May 14, 2019
- III. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 13, 2018
Location: Oceanside, CA
 - (b) Discussion Hearing Date: February 6, 2019
Location: Sacramento, CA
 - (c) Adoption Hearing: Date: April 17, 2019
Location: Santa Monica, CA
- IV. Update:

The Fish and Game Commission (Commission) adopted at its April 17, 2019 meeting adopted the proposed language to include an "...unexpired Federal migratory-bird hunting and conservation electronic stamp issued in his or her name...". No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

No public comments, written or oral, were received during the public comment period.
- VI. Location and Index of Rulemaking File
A rulemaking file with attached file index is maintained at:

California Fish and Game Commission
1416 9th Street, Room 1320
Sacramento, California 95814
- VII. Location of Department Files:

Department of Fish and Wildlife
Waterfowl Program
1812 9th Street
Sacramento, California 95811

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

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) 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 regulations would provide additional recreational opportunity to the public and could result in minor increases in hunting days and hunter spending on equipment, fuel, food and accommodations.

(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 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. Little to minor positive impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the administrative action to recognize the issuance of electronic Federal migratory-bird hunting and conservation stamps for the waterfowl hunting season in 2019-20.

The most recent U.S. Fish and Wildlife National Survey of Fishing, Hunting, and Wildlife-Associated Recreation for California (revised 2014) estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, may experience failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to manage waterfowl populations for sustainability into the future, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

(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.

UPDATED Informative Digest/Policy Statement Overview

Current regulations in Section 509, Title 14, California Code of Regulations (CCR), incorporate requirements found in Federal regulations, including a 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...".

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.

The Commission adopted the Department recommendation to clarify and to comply with Federal regulations that allow electronic Federal migratory-bird hunting and conservation stamps at the April 17, 2019 meeting.

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