

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-	<b>REGULATORY ACTION NUMBER</b> 209-0627-01N	<b>EMERGENCY NUMBER</b>
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For use by Office of Administrative Law (OAL) only

2019 JUN 27 A 10:56  
OFFICE OF ADMINISTRATIVE LAW

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

AUG 08 2019  
1:38 pm

NOTICE

REGULATIONS

**AGENCY WITH RULEMAKING AUTHORITY**  
Fish and Game Commission

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Change of mailing address	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 147, 165, 165.5, 227, 235, 240, 600.4, 662, 665, 696,
	REPEAL 14

per agency request

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Jon Snellstrom	TELEPHONE NUMBER (916) 653-4899	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jon.snellstrom@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Thesell</i>	DATE 8/27/19
TYPED NAME AND TITLE OF SIGNATORY David Thesell, Program Manager	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

AUG 08 2019

Office of Administrative Law

## SECTION 100 CHANGES TO MAILING ADDRESS

### TEXT

**Subsection 147(b)(2), Title 14, CCR is amended to read:**

**§ 147. Granting and Issuance of Permits to Take and Use Anchovies by a Reduction Process.**

***[Opening paragraph through subsection (a)(3)(F)4. – no change]***

(b) Permits to Reduce Anchovies.

(1) Qualification of Permittee. To be eligible for a reduction permit under these regulations each applicant must have the license provided in section 8042(a) of the Fish and Game Code, and supply proof to the satisfaction of the department that the applicant can properly unload, weigh, and utilize anchovies for reduction before any permit is issued.

(2) Applications. All applications for permits to reduce whole anchovies for a given season must be received by the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090) on or before the close of business on the preceding July 15.

***[Subsections (b)(3) through (d) – no change]***

Note: Authority cited: Sections 713, 1050, 7708 and 7881, Fish and Game Code.

Reference: Sections 8076 and 8190, Fish and Game Code.

**Subsection 165(b)(3)(B), Title 14, CCR is amended to read:**

**§ 165. Harvesting of Kelp and Other Aquatic Plants.**

***[Subsections (a) through (a)(4) – no change]***

(b) General Harvesting Provisions.

(1) Weighing of Kelp. A kelp harvester shall determine the weight of harvested kelp or other aquatic plants upon landing or delivery to the harvester's place of business. The harvester may determine the weight of harvested kelp or other aquatic plants by either direct weighing with a state certified scale or a volume conversion that has been approved by the department. If the weight is determined by a certified or licensed weighmaster, the harvester shall obtain a receipt and maintain the receipt in the landing record required under subsection (b)(3) below.

(2) Harvesting Records.

(A) Every person harvesting kelp and other aquatic plants and licensed pursuant to Section 6650 of the Fish and Game Code shall keep a record of the following:

1. Category of plants harvested as defined in subsections 165(c), (d) and (e).
2. The wet weight of harvested kelp or other aquatic plants recorded in pounds or tons (1 ton = 2000 lb).

3. Name and address of the person or firm to whom the plants are sold, unless utilized by the harvester.

(B) The record shall be open at all times for inspection by the department.

(3) Landing Records. Records of landing shall be prepared by all harvesters licensed pursuant to Section 6650 of the Fish and Game Code. Records of landing shall be made in triplicate using Kelp Harvester's Monthly Report forms FG 113 (Rev. 1/97, see Appendix A) and FG 114 (Rev. 1/07, see Appendix A).

(A) The landing records shall show:

1. The wet weight of all aquatic plants harvested in units as defined in subsection (b)(2)(A)2. above.

2. Name and address of harvester.

3. Department of Fish and Wildlife kelp harvester number.

4. Report period, royalty rate, balance of advance deposit (applicable to leased beds), royalty rate amount due and dates of landing.

5. Administrative kelp bed number and, if applicable, marine protected area where plants were harvested.

(B) A duplicate copy of the landing record shall be retained by a kelp harvester for a period of one year and shall be available for inspection at any time within that period by the department. A kelp harvester who harvests kelp from a marine protected area established under subsection 632(b) shall maintain a copy of the landing record on board the harvest vessel for all harvesting conducted during that harvest control period. The original and one copy of the landing record shall be submitted to the department's Accounting Services Branch at 1416 Ninth Street, Room 1215, Sacramento, CA 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090) on or before the 10th day of each month following the month to which the landing records pertain with the specified royalty required for all kelp and other aquatic plants harvested. Landing records that are mailed shall be postmarked on or before the 10th day of each month following the month to which the landing records pertain. The landing record shall be submitted whether or not harvest occurred.

***[Subsections (b)(3)(C) through (f)(1) – no change]***

Note: Authority cited: Sections 6653 and 6653.5, Fish and Game Code. Reference: Sections 6650, 6651, 6652, 6653, 6653.5, 6654, 6656 and 6680, Fish and Game Code.

**Subsection 165.5(b), Title 14, CCR is amended to read:**

**§ 165.5. Lease of Kelp Beds for Exclusive Harvest of *Macrocystis* and *Nereocystis*.**

***[Subsection (a) – no change]***

(b) A current list of kelp beds considered by the commission to be available for leasing may be obtained through written request to the department's Marine Region at 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940. Any person desiring to lease the exclusive privilege of harvesting kelp shall make a written application to the Fish and Game Commission, 1416 Ninth Street, Sacramento, CA 95814 (or by postal delivery to

P.O. Box 944209, Sacramento, CA 94244-2090). The application for kelp bed lease shall include:

***[Subsections (b)(1) through (j)(1) – no change]***

Note: Authority cited: Sections 6653, 6700 and 6701, Fish and Game Code. Reference: Sections 6653, 6700, 6701, 6701.5, 6702, 6703, 6704, 6705, 6706 and 6707, Fish and Game Code.

**Subsection 227(b), Title 14, CCR is amended to read:**

**§ 227. Sale of Live Aquaculture Products by Aquarium or Pet Stores.**

***[Subsections (a) through (a)(11) – no change]***

(b) White sturgeon and abalone shall be sold only under an Aquarium Dealer's Permit issued by the department to the owner of the aquarium or pet store. Applications shall be made on a department form available upon request from the Department of Fish and ~~Game~~Wildlife, Wildlife Protection Law Enforcement Division, 1416 Ninth Street, Sacramento, California 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090). The permit shall be issued free of charge on a calendar year basis, or part thereof. See subsection 699(b) of these regulations for the fee for this permit. Aquarium dealer permittees shall maintain a log of all sales and shipments of live sturgeon and abalone, the name of the individual, company or organization taking possession of the product, the date of sale and the number of sturgeon or abalone sold. The log shall be shown upon request by an authorized department official.

***[Subsection (c) through (d) – no change]***

Note: Authority cited: Sections 1050, 15005, 15200 and 15202, Fish and Game Code. Reference: Sections 1050 and 8371, Fish and Game Code.

**Subsections 235(a)(1) and (d)(1), Title 14, CCR is amended to read:**

**§ 235. Aquaculture Registration.**

(a) Registration Required. Pursuant to the provisions of Section 15101 of the Fish and Game Code, all aquaculture facilities must be registered with the department each year. For purposes of Chapter 9, Subdivision 1, Division 1, Title 14, California Code of Regulations, an aquaculture facility is one that is devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish or fresh water. This registration is not required for: the maintenance of koi and goldfish in closed systems for personal, pet or hobby purposes; the harvest and sale of brine shrimp; and the sale or cultivation of tropical species of ornamental marine or fresh water plants or animals, not utilized for human consumption or bait purposes, but maintained in closed systems for personal, pet industry or hobby purposes.

(1) Who Shall Register. The owner of each aquaculture facility shall register each year on forms provided by the department. Individual forms must be completed for each aquaculture facility location. Application forms and a list of laws and regulations governing aquaculture are available from the department's Aquaculture Development Section, 1416 Ninth Street, Sacramento 95814, (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090), and from the department's regional offices in Redding, ~~Yountville~~Fairfield, Rancho Cordova, Fresno, Long Beach and Menlo Park, on request.

***[Subsections (a)(2) through (c) – no change]***

(d) All permits specified in this chapter, in addition to the aquaculture registration issued pursuant to Section 15101 of the Fish and Game Code, shall be issued under the following conditions:

(1) Where Issued. Requests for permits required in Chapter 9, unless specifically directed otherwise, shall be submitted to the Department of ~~Fish and Game~~Fish and Wildlife, Aquaculture Development Section, 1416 Ninth Street, Sacramento, CA 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090).

***[Subsections (d)(2) through (3) – no change]***

Note: Authority cited: Sections 1050, 15005, 15101, 15102, 15103, 15104 and 15200, Fish and Game Code. Reference: Sections 15000-15005 and 15100-15102, Fish and Game Code.

**Subsection 240(g), Title 14, CCR is amended to read:**

**§ 240. Transportation, Possession and Sale of Sturgeon, Striped Bass, Hybrid Striped Bass (Striped Bass Crossed with White Bass), Abalone and Steelhead Trout Produced or Imported by Registered Aquaculturists for Aquaculture Purposes.**

***[Opening paragraph through subsection (f) – no change]***

(g) Live hybrid striped bass may not be imported or possessed by registered aquaculturists except under the terms of a permit issued by the department, specifying conditions under which these aquaculture products may be reared and transported. Requests for permits shall be submitted to the Department of ~~Fish and Game~~Wildlife, Aquaculture Development Section, 1416 Ninth Street, Sacramento, California 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090).

***[Subsections (h) through (i) – no change]***

Note: Authority cited: Sections 1050, 7701, 7708, 15005, 15102, 15200, 15202 and 15600, Fish and Game Code. Reference: Sections 1050, 2348, 7700-7703, 8371, 8431 and 15505, Fish and Game Code.

**Subsection 600.4(h), Title 14, CCR is amended to read:**

**§ 600.4. Licensed Domesticated Migratory Game Bird Shooting Areas.**

***[Opening paragraph through (g)(4) – no change]***

(h) Reports and Records. Licensees shall maintain on forms supplied by the department an up-to-date record of the number of domesticated migratory game birds taken and the number of hunters using the area. Such original record shall be submitted to the Department of Fish and ~~Wildlife Game, Wildlife Protection Branch~~, 1416 Ninth Street, Sacramento, California (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090), within ten (10) days after the close of each month during the shooting season, and the licensee shall retain a legible copy of such records. Such records shall be open to inspection at the area headquarters on shooting days, at the club headquarters or in the possession of the licensee or his agent during the balance of the shooting season, and at a location specified by the licensee for one year thereafter. Such records shall be open to the inspection at any time during these periods by authorized representatives of the department.

***[Subsections (i) through (j) – no change]***

Note: Authority cited: Sections 200, 202, 219, 355, 356, 3000, 3302 and 3303, Fish and Game Code. Reference: Sections 200, 202, 219, 355, 356, 3000, 3300-3311 and 3500, Fish and Game Code.

**Subsections 662(a) and (b); and form (FGC 1) incorporated by reference, Title 14, CCR are amended to read:**

**§ 662. Petitions for Regulation Change.**

The following rules and procedures govern the submission and review of petitions for adding, amending, or repealing regulations under the authority of the commission:

(a) Petition Requirement. Except for the department, every person or agency recommending that a regulation be added, amended, or repealed must submit a petition to the commission using the authorized petition form (PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE, FGC 1 (~~New~~ 10/23/14Rev 06/19), which is incorporated by reference herein), available at [www.fgc.ca.gov](http://www.fgc.ca.gov).

(b) Staff Review of Petition: A petition will be rejected by commission staff if it is not submitted on form FGC 1 (~~New~~ 10/23/14Rev 06/19), if it fails to contain necessary information in each of the required categories listed on FGC 1, or if it does not pertain to regulations under the commission's authority. A rejected petition will be returned to the petitioner by the commission staff within 10 working days of receipt.

***[Subsections (c) through (d)(3) – no change]***

***[Please see attached "Form FGC 1" incorporated by reference]***

Note: Authority: Section 108, Fish and Game Code. Reference: Sections 108 and 207, Fish and Game Code.

**Subsections 665(b)(3)(A)2. and (b)(5)(D), Title 14, CCR are amended to read:**

**§ 665. Meeting Procedures.**

***[Subsections (a) through (b)(3)(A)1. – no change]***

2. Advanced approval for extended time. The public may request extended time to comment longer than three minutes. The president or designee of the president shall approve or deny the requested time based on relevance to the agenda topic and time available.

a. Except for emergency meetings of the commission, requests for extended time must be received in writing no later than 12:00 noon five days prior to the first day of the meeting and must be sent by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or delivered by mail to P.O. Box 944209, Sacramento, CA 94244-2090, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one method of delivery is necessary.

***[Subsections (b)(3)(A)2.a.i. through (b)(5)(C) – no change]***

(D) Written comments delivered to the commission office must be sent by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) or delivered by mail to P.O. Box 944209, Sacramento, CA 94244-2090, by courier or in person to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Only one copy and only one method of delivery are necessary.

***[Subsections (b)(5)(E) through (c) – no change]***

Note: Authority cited: Section 108, Fish and Game Code. Reference: Section 108, Fish and Game Code; and Sections 11125.1 and 11125.7, Government Code.

**Subsection 696(a), Title 14, CCR is amended to read:**

**§ 696. Fur Dealer and Fur Agent Licenses.**

(a) Fur Dealer License. Every person engaging in, carrying on, or conducting, wholly or in part, the business of buying, selling, trading or dealing in raw furs of furbearing mammals or nongame mammals shall first procure a fur dealer license. Each licensed fur dealer shall submit, not later than July 1, to the ~~department~~Department of Fish and Wildlife at 1416 Ninth Street, Sacramento, California 95814 (or by postal delivery to P.O. Box 944209, Sacramento, CA 94244-2090), an annual report on forms provided by the department.

***[Subsections (b) through (c) – no change]***

Note: Authority cited: Sections 4009.5, 4042 and 4150, Fish and Game Code. Reference: Sections 4009.5, 4030-4043 and 4150, Fish and Game Code.