

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

Amend Section 473  
Title 14, California Code of Regulations  
Re: Possession of Nongame Animals: Nutria

- I. Date of Initial Statement of Reasons: June 11, 2019
- II. Date of Final Statement of Reasons: December 16, 2019
- III. Dates and Locations of Scheduled Hearings

- (a) Notice Hearing:           Date:       August 7, 2019  
                                  Location:   Sacramento
- (b) Discussion Hearing:   Date:       October 9, 2019  
                                  Location:   San Diego
- (c) Adoption Hearing:     Date:       December 11, 2019  
                                  Location:   Sacramento

IV. Update

At its December 11, 2019 meeting, the Fish and Game Commission (Commission) adopted regulations, as set forth in an Initial Statement of Reasons dated June 11, 2019. The adopted amendment to Section 473, Possession of Nongame Animals, makes it unlawful to possess live nutria.

No modifications were made to the originally proposed regulatory language in the Initial Statement of Reasons. 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.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

Following the publication in the Register and a 45-day public notice period, no comments were received. There were no public comments, written or oral, given at the public hearings.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, California 95814

VII. Location of Department Files:

California Department of Fish and Wildlife  
Nutria Eradication Program  
1416 Ninth Street  
Sacramento, California 95814

VII. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change:

No alternative was considered.

(b) No Change Alternative:

If no regulatory change occurs, live nutria could be lawfully possessed by holders of restricted species, wildlife, rehabilitation, and scientific collecting permits. Possession of these animals would increase the risk of accidental or intentional reintroduction of nutria, frustrating Department efforts to eradicate this non-native invasive species and reverse the severe environmental impacts it causes.

(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:

None.

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. The proposed action is an additional component of the state's nutria eradication program that is anticipated to minimize the costly risks to infrastructure and resources that nutria pose. Reducing the potential for the spread of escaped nutria should help protect California's business activities that draw upon well-functioning wetlands, waterways, infrastructure, and water supplies, such as agriculture and associated businesses.

- (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 anticipates no impacts on the creation or elimination of jobs within the state and no impact on the creation of new businesses or the elimination of existing businesses because the proposed amendment is anticipated to aid in the preservation of existing water infrastructure with no cost to current business activities. The Commission anticipates benefits to the health and welfare of California residents by the protection of water supplies. The proposed action is not anticipated to directly affect worker safety. The Commission anticipates benefits to the State's environment by supporting strategies that further the control of invasive species.

- (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.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No new costs to the State. Additionally, the proposed action will aid in the prevention of future importations and releases, preventing loss of state agency and/or federal funding to response costs.

- (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

This amendment of Section 473 would ban the possession of live nutria to prevent new introductions of nutria in the state. Nutria affect the State's wildlife by damaging wetland habitats, and put waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture at risk from damage through their burrowing and herbivory of aquatic vegetation. The Department has implemented a multi-million dollar nutria eradication program, and this regulation is an integral part of this effort.

Possession of nutria is only possible under a permit issued by the Department. But, the permit denial provisions in California Code of Regulations, Title 14, subsection 671.1(c)(5), sections 670 and 650

Section 473 provides exceptions to FGC 4150, allowing for the possession of legally taken non-game birds and mammals, including rodents such as nutria, but not prohibiting the possession of live nutria pursuant to a Department-issued permit. Thus, the Commission proposes an addition to subsection 473(b) stating:

“It is unlawful to possess live nutria (*Myocastor coypus*), and the Department shall not issue any permit authorizing possession of any live nutria.”

### Goals and Benefits of the Regulation:

The goal of this regulation change is to prohibit any possession of live nutria and ensure the Department no longer issues permits allowing the possession of live nutria in California. This regulation will benefit the Department, State, and its resources by reducing the potential for future, additional introductions via released or escaped nutria and thereby protect California's wildlife, wetland habitats, waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture.

### **UPDATE**

**At its December 11, 2010 meeting, the Fish and Game Commission (Commission) adopted regulations, as set forth in an Initial Statement of Reasons dated June 11, 2019. The adopted amendment to Section 473, Possession of Nongame Animals, makes it unlawful to possess live nutria.**

**No modifications were made to the originally proposed regulatory language in the Initial Statement of Reasons. 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.**

### **Addendum to the Updated Informative Digest**

Fish and Game Code, Section 4150, was amended by statute of 2019, Chapter 216, Section 12 (AB273) effective January 1, 2020. This statute was amended to (1) make it unlawful for any person to trap any non-game mammal for purposes of recreation or commerce in fur (2) prevent the sale of the raw fur of a non-game mammal, otherwise taken pursuant to the Fish and Game Code or regulations adopted pursuant to the Fish and Game Code.