

**TITLE 14. DEPARTMENT OF FISH AND WILDLIFE
NOTICE OF PROPOSED ACTION
October 15, 2021**

As directed by Fish and Game Code Section 2353, the Department of Fish and Wildlife (Department) proposes to adopt a new form DFW 901 (New 11/2021) in section 712.5 of title 14, California Code of Regulations (CCR). The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon entry into the state. The new regulations described below may be adopted after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING:

No public hearing is scheduled for this action. The Department will hold a public hearing if one is requested in writing to the contact below no later than 15 days prior to the close of the written comment period. If a hearing is requested, the Department will, to the extent practicable, provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice.

WRITTEN COMMENT PERIOD:

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at this office no later than November 29, 2021. All written comments must include the true name and mailing address of the commenter. Written comments may be submitted by mail, or e-mail, as follows:

Chris Stoots, Captain
CA Department of Fish and Wildlife
Law Enforcement Division
PO Box 944209, Sacramento CA 94244-2090
Email: Chris.Stoots@wildlife.ca.gov

AUTHORITY AND REFERENCE:

Fish and Game Code Section 2353 authorizes the Department to adopt these proposed regulations. This proposed rulemaking will implement, interpret, and make specific Fish and Game Code Section 2353.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

The Department of Fish and Wildlife proposes to implement the requirements of Fish and Game Code 2353, specifically the provision of a Declaration of Importation Form. The proposed regulation is necessary to implement the requirements of Section 2353(a)(3), Fish and Game Code which states:

“A declaration is submitted to the department or a designated state or federal agency at or immediately before the time of entry, in the form and manner prescribed by the department.”

REGULATORY PROPOSAL:

A new Section 712.5 will be added to Title 14, California Code of Regulations. The new regulation will incorporate by reference Form DFW 901 (New 11/2021) Declaration of

Importation. The Declaration of Importation form will allow the public to conveniently declare their legal fishing or hunting take as it is brought into the State.

The form requires the public to:

1. Identify themselves by name, address, telephone.
2. Provide proof of identity with any legal identification, driver's license, ID card, etc.
3. Identify the vehicle license number in which the animal(s) are imported into California.
4. Provide the proof of legal take with the required out of state hunting, fishing licenses or tags.
5. Provide proof that the take is legal to possess in California by specifying the type, number or parts of animals to brought into the state in conformance with state law.
6. Certify that the declaration is true and correct and that the fish or wildlife described are legally possessed/imported by the undersigned.
7. Instructions to send copies of the completed form to the Department.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS:

The proposed regulations will prescribe the form and its contents for use by the public in satisfying the requirements of Section 2353, Fish and Game Code. The public is required by statute to declare the legal take and possession of animals taken out of state and imported to California. The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon entry into the state.

The form will provide the specific benefit of providing a simple method for the public to declare their legal take, identifying the species, license/tags and out of state location of their hunting and fishing, that demonstrate compliance with other state hunting and fishing laws and that they may legally import such animals, parts, and may possess them in California. The illegal take of animals and fish is detrimental to the environment, it is prohibited in California and enforced by the Department. The form provides the individual declarant a record for the purpose of demonstrating their legal take and possession of the listed items.

The regulation and form do not have significant direct or indirect non-monetary benefits including the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in transparency in business and government. The state's environment may have a slight benefit from prohibiting the importation of illegal take.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS:

The Legislature has delegated authority to the Department to adopt regulations prescribing the form and manner of the required Declaration of Importation. The Department has reviewed existing regulations in Title 14, CCR and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. Department staff have searched the CCR and has found no other State regulations that set forth these requirements.

Documents Relied Upon – None.

Documents Incorporated by Reference – DFW Form 901 Declaration of Importation of Fish and Wildlife (New 11/2021)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Department concludes that it is unlikely that any adverse economic impact will affect any business, the Declaration of Importation form imposes no fees or costs, and does not require any action by any business.

- (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 Department concludes that it is unlikely that any economic impact will adversely affect or benefit any business. The regulation and form do not have direct or indirect non-monetary benefits to the health and welfare of California residents, or worker safety. The state's environment may have a slight benefit from prohibiting the importation of illegal take.

- (c) Cost Impacts on Representative Person or Business:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Declaration of Importation form imposes no fees or costs, other than the preparation and mailing or emailing of the one page form.

- (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.

Effect on Small Business:

The Department concludes that it is unlikely that any adverse economic impact will affect small business, since the regulation does not require any action by any business. This proposed action would be followed by individuals seeking to import their caught game into the state of California.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department concludes that it is (1) unlikely the regulation will create additional job opportunities; (2) unlikely to result in the elimination of jobs or existing businesses, creation of new of businesses or elimination of existing businesses and expansions of businesses.

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

The cumulative effects of the changes statewide are expected to be neutral with regard to the creation or elimination of jobs within the State.

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

The cumulative effects of the changes statewide are expected to be neutral with regard to the creation or elimination of businesses within the State.

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

The cumulative effects of the changes statewide are expected to be neutral with regard to the expansion of businesses within the State.

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

The cumulative effects of the changes statewide are expected to be neutral with regard to the health and welfare of California residents

(e) Benefits of the Regulation to Worker Safety

The cumulative effects of the changes statewide are expected to be neutral with regard to worker safety.

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

The cumulative effects of the changes statewide are expected to be neutral with regard to the state's environment, however there may have a slight benefit from prohibiting the importation of illegal take.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department has determined that no reasonable alternatives it considered to the regulation or that have otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations during the written comment period.

CONTACT PERSONS:

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Chris Stoots, Captain
CA Department of Fish and Wildlife
Law Enforcement Division
PO Box 944209, Sacramento CA 94244-2090
Cell: (530) 523-6720
Email: Chris.Stoots@wildlife.ca.gov

Or the backup person:

Mike Randall, Analyst
CA Department of Fish and Wildlife
Regulations Unit
PO Box 944209, Sacramento CA 94244-2090
(916) 704-3215
Email: mike.randall@wildlife.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET:

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Department website at:

<https://www.wildlife.ca.gov/Notices/Regulations/>

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Captain Chris Stoots (see above for contact information).

AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE:

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the text of the regulations, Form DFW 901 (New 11/2021) Declaration of Importation, or other information upon which the rulemaking is based, to Captain Chris Stoots.

AVAILABILITY OF CHANGED OR MODIFIED TEXT:

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Captain Chris Stoots at the address above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Upon its completion, copies of the Final Statement of Reasons may be obtained by checking the website at the link provided above, or contacting Captain Chris Stoots at the address posted in this document.