

State of California  
Department of Fish and Wildlife

Initial Statement of Reasons for Regulatory Action  
Add Section 712.5  
Title 14, California Code of Regulations  
Re: Declaration of Importation of Fish and Wildlife

I. Date of Initial Statement of Reasons: September 7, 2021

II. 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.

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

A new section 712.5 will be added to Title 14, California Code of Regulations (CCR). The new regulation section will identify Form DFW 901 (New 11/2021) Declaration of Importation of Fish and Wildlife, incorporated by reference. In accordance with Fish and Game Code (FGC) section 2353:

“Birds, mammals, fish, reptiles, or amphibians shall not be imported or possessed in this state unless...[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.”

A new form DFW 901 (New 11/2021) will be incorporated by reference in Section 712.5 of Title 14, CCR. The Declaration of Importation of Fish and Wildlife form will allow the public to conveniently declare fish or wildlife from out of state upon entry into the state. The information requested/provided in the form is necessary to establish the legality of the importation of fish or wildlife per the statutory requirements provided in Fish and Game Code section 2353.

1. Identify themselves by name, address, contact telephone, and email address (Voluntary).

This information is necessary to confirm the identity of the person declaring imported fish or wildlife, and to locate that individual in the future, if for any reason there was a question about the information provided.

2. Provide proof of identity with a government issued driver's license or other photo identification card.

This information is needed to prevent fraudulent representation of the person importing fish or wildlife.

3. Identify the vehicle license number in which the animal(s) are imported into California.

This information provides additional means to confirm the means by which the fish or wildlife was imported into the state.

4. Provide proof of legal take with the required out-of-state hunting, fishing licenses or tags and harvest location.

Out-of-state hunting and fishing tag and license information maintained by that state can be cross-referenced with the declaration form to confirm that the take of fish or wildlife was conducted legally.

5. Provide proof that the take is legal to possess in California by specifying the type, number or parts of animals to be brought into the state in conformance with state law. Information regarding the species, quantity, sex and antler points (when applicable), and specific parts of the fish or wildlife imported is needed to ensure the take was legal and that the species and parts to be imported are lawful to possess or transport in California. Only some parts of a harvested deer or elk can be imported per section 712, Title 14, CCR to prevent the spread of Chronic Wasting Disease.

6. Certify that the declaration is true and correct and that the fish or wildlife described are legally possessed/imported by the undersigned.

The person completing the form certifies that the importation is lawful and signs the form accordingly, indicating they have provided accurate information as required per FGC 2353.

7. Instructions to send copies of the completed form to the Department by mail or via internet and to retain one additional copy with the imported fish or wildlife.

The Department maintains the forms to track the number and species imported into the state, and to follow-up with persons importing fish or wildlife, if there are questions or concerns about the imported species or parts.

8. Information regarding Chronic Wasting Disease

Chronic Wasting Disease is a prion disease that affects deer and elk, among other hoofed species. Symptoms include dramatic weight loss and neurological issues and is fatal to animals that develop it. The World Health Organization has urged that agents of all known prion diseases are not allowed to enter the human food chain.

An informational box is included on the form to remind hunters of the danger of Chronic Wasting Disease (CWD) and those parts of the animal which are not permitted in California.

#### (b) Goals and Benefits of the Regulation

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.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section 2353, Fish and Game Code  
Reference: Section 2353, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change. None

(e) Identification of Reports or Documents Supporting Regulation Change. None

(f) Public Discussions of Proposed Regulations Prior to Notice Publication. None

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives have been proposed. FGC section 2353 requires the Department to prescribe a form for public use in declaring the importation fish and wildlife.

(b) No Change Alternative

The no change alternative would leave the Department without a form for public use in declaring importation of fish and wildlife, as required by FGC section 2353.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business. None.

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 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 a Representative Private 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.

VII. Economic Impact Assessment

(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.

## **Informative Digest/Policy Statement Overview**

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

“Birds, mammals, fish, reptiles, or amphibians shall not be imported or possessed in this state unless...[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, CCR. The new regulation section will identify Form DFW 901 (New 011/2021) Declaration of Importation of Fish and Wildlife. The Declaration of Importation of Fish and Wildlife form will allow the public to conveniently declare fish or wildlife from out of state upon entry into the state. The form requires the public to:

1. Identify themselves by name, address, telephone.
2. Provide proof of identity with state issued driver's license or other form of photo identification.
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 by mail or via internet and to retain one additional copy with the imported fish or wildlife.

### **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 FGC section 2353. 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 regulation. Department staff have searched the CCR and has found no other State regulations that set forth these requirements.