

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 275, 7071, and 8587.1 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 205, 255, 265, 270, 275, 7071, 7120, and 8587.1 of said Code, proposes to amend subsection (b) of Section 27.60, Title 14, California Code of Regulations, and Section 28.00, T14, CCR, relating to California grunion

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

Under current regulations grunion does not have a bag or possession limit (subsection 27.60(b), Title 14, CCR), and the grunion fishery is open from June 1 through March 31 (Section 28.00, Title 14, CCR). Grunion may only be taken recreationally from June 1 through March 31 (Fish and Game Code section 8381) and no directed commercial fishery may be developed for grunion (Section 111, Title 14, CCR).

The proposed regulatory changes will establish a bag and possession limit of 30 grunion for recreational fishers and close the month of June to take of grunion, shortening the open season by one month, from July 1 through March 31, for recreational fishing.

Benefit of the Regulations:

The proposed regulatory action is designed to address concerns over the health and long-term sustainability of the grunion fishery. Grunion are an endemic and culturally iconic species known for their spawning behavior, where they “run” onto beaches. Recent data have shown that the abundance of grunion has declined over the past decade. Past regulations enabled recovery of the grunion population, and the proposed regulations should likewise help to protect and recover the grunion population, thereby benefitting the sustainability of the fishery. These proposed regulations will further benefit future Californians by preserving grunion populations for all to observe and enjoy.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, article IV, of the California Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Commission has reviewed its own regulations and finds that the proposed regulations

are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the commercial take of grunion.

Public Participation

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference meeting to be held on **Thursday, December 16, 2021**, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference meeting will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Sacramento, California, on **Wednesday, February 16, 2022**, at 8:30 a.m., or as soon thereafter as the matter may be heard. The specific location for this meeting is still being determined. As soon as this information is available, but not less than thirty days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published in the California Regulatory Notice Register and published on the Commission's website. Instructions for participation in the meeting will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899.

It is requested, but not required, that written comments be submitted by 5:00 p.m. on February 2, 2022 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on February 11, 2022.** All comments must be received no later than February 16, 2022, during the Commission meeting. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, California 95814, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or David Haug at FGC@fgc.ca.gov or at the preceding address or phone number.

Environmental Scientist, Armand Barilotti, Department of Fish and Wildlife, (Armand.Barilotti@wildlife.ca.gov or (562) 342-7164), has been designated to respond to questions on the substance of the proposed regulations.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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. No equipment may be used in the take of grunion (Section 29.00 Title 14, CCR), so the new amendments to regulations will not result in the loss of revenue for tackle shops or other small businesses. The new amendments to regulations might result in a slight increase in sales for tackle and bait stores since some fishers might need to purchase bait or lures to replace grunion as a source of bait during the month of June.

- (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. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

The new regulations will benefit the environment by increasing the abundance of grunion. Grunion and their eggs are prey for many game fishes, birds, and other marine organisms, especially when they congregate for their spawning runs. Thus, increasing the grunion population should have positive impacts on the environment.

(c) Cost Impacts on a Representative Private Person or Business

While many recreational grunion fishers (representative private persons) will not incur any change in costs, those who wish to substitute the bait uses of grunion that may no longer be harvested in June with another source of bait would incur new costs. The discretionary cost to fishers to purchase alternative forms of bait or artificial lures from tackle stores to replace grunion constitute the initial costs for an individual. A typical lure that imitates a grunion costs up to \$20.00, while frozen bait costs much less. Such lures generally last several years, so that the cost would be a one-time cost and not an annual cost. Bait and fishing tackle stores (representative businesses) would incur no new costs, but they would be the recipients of individual grunion fisher's expenditures on lures or bait.

(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

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, 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.

FISH AND GAME COMMISSION

Dated: November 01, 2021

Melissa Miller-Henson
Executive Director