

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

I. Dates of Statements of Reasons

- (a) Initial Statement of Reasons                      Date: September 7, 2021
- (b) Amended Initial Statement of Reasons      Date: January 26, 2022
- (c) Final Statement of Reasons                      Date: April 14, 2022

II. Date and location of Scheduled Hearing

A public hearing was requested pursuant to Government Code section 11346.8, and was held as follows:

Date: February 11, 2022

Time: 1:30 p.m. – 3:30 p.m.

Format: Virtual Hearing via Zoom (link and access information posted to:  
<https://wildlife.ca.gov/Notices/Regulations/Import>)

III. Update

This Final Statement of Reasons (FSOR) reiterates the background and intent of the Department of Fish and Wildlife’s (Department) proposed addition of Section 712.5 into Title 14, California Code of Regulations (CCR). Adding Section 712.5 also includes incorporation by reference the updated form, DFW 901, “Declaration of Importation of Dead Fish and Wildlife” (NEW 01/01/2022) (“Declaration Form”) as publication of this form in full in the CCR would be cumbersome, unduly expensive, or otherwise impractical (Title 1, section 20(c)(1), CCR).

The primary, or general, topics brought up in the 45-day public comment period resulting in the Department taking action to change the updated Declaration Form and the Section 712.5 regulatory text were described on pages 1-4 of the Amended ISOR (dated January 26, 2022), commencing with Section III(a). In every single reference to the Declaration Form from the Amended ISOR (and in particular pages 1-4), it was the intent of the Department to precede the words “Declaration Form” with the term “updated,” as it signals to the public that this form is not a new requirement, but rather it is an update to an existing requirement pursuant to Fish and Game Code (FGC) section 2353.

The Department also wishes to further clarify the summarized concern from the public about “people who live near California’s borders with other states will have to complete multiple forms for their cross border hunting and angling take” (Amended ISOR, page 3) that the updated Declaration Form will be easier to complete and submit than the existing form, and a single form can be completed for multiple species upon each entry.

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 aside from those changes proposed with the 15-day continuation notice period (January 27 – February 11, 2022).

#### Necessity of a Certification ‘under penalty of perjury’

On page 7 of the Amended Initial Statement of Reasons, dated January 26, 2022, the Department is correcting an omission, which has no effect on the adopted regulation or form, in order to clarify the purpose of the certification of the form by the hunter/importer of dead animals. In part III (a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary, No. 10 is corrected with an addition to read:

“10. 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 section 2353.”
- The certification is made “under the penalty of perjury” and that is needed to ensure people are accurately reporting their importations of fish and wildlife, this is especially crucial for law enforcement purposes.

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

All comments received during the original 45-day comment period, the 15-day continuation of public comment period, and at the Public Hearing are responded to by the Department in this FSOR.

The updates to the updated Declaration Form that was circulated with the 15-day continuation period represents an updated version of the form. The final version is included with the final proposed regulatory text.

#### Specific Responses to Public Comments:

- Appendix A, attached, has the Department’s specific responses to the comments received from the public during the initial 45-day comment period.
- Appendix B, attached, contains all of the email communications (there were none received by postal service) with the pertinent comments indicated by numbering corresponding to Appendix A.
- Appendix C, attached, has the Department’s specific responses to the comments received from the only written commenter during the 15-day notice of hearing period, The respondent’s email communication is attached to Appendix C. The same and only commenter’s verbal comments received during the Public Hearing are also summarized.

#### V. Location and Index of Rulemaking File

A rulemaking file with attached file index is maintained at

Department of Fish and Wildlife  
Regulations Unit  
715 P Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

## VI. Description of Reasonable Alternatives to Regulatory Action

### (a) Alternatives to Regulation Change

No alternatives have been proposed. FGC section 2353 authorizes 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 fail to provide a form in compliance with FGC section 2353.

### (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.

## VII. 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. None.
- (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. None.
- (c) Cost Impacts on a Representative Private Person or Business. None.
- (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.