

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, 202, 205, and 220 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 204, 205, 206, and 220 of said Code, proposes to amend Section 29.85, Title 14, California Code of Regulations, relating to sport fishing for crabs.

Informative Digest/Policy Statement Overview

Currently, subsection 29.85(a)(1), Title 14, CCR, states Dungeness crab may not be taken or possessed in San Francisco Bay and San Pablo Bay, plus all of their tidal bays, sloughs, and estuaries between the Golden Gate Bridge and Carquinez Bridge. This closure has been in place for many years.

The intent of this regulation is to limit the take of Dungeness crab inside San Francisco Bay where there are a large number of small juvenile Dungeness crabs. The Bay serves as a rookery for the juvenile crabs.

Sport Dungeness crab fishers commonly launch their boats from boat ramps inside of San Francisco Bay and go out into ocean waters outside the Golden Gate Bridge. These people legally take their limits of Dungeness crabs, place their crabs into a container on their boats, then drive back into the San Francisco Bay to the launch ramp and remove their boats from the water. Since possession of Dungeness crabs is prohibited in San Francisco Bay, this practice is in violation of regulations.

This section needs to be reworded to clearly state that it is illegal to possess Dungeness crabs taken from San Francisco Bay or San Pablo Bay plus all of their tidal bays, sloughs, and estuaries between the Golden Gate Bridge and Carquinez Bridge, but that it is not illegal to possess Dungeness crabs taken lawfully from outside the Bay in ocean waters.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Truckee Donner Public Utility District Board Room, 11570 Donner Pass Road, Truckee, California, on Friday, June 8, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

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 the County Administration Building, Board of Supervisors Hearing Room, 105 East Anapamu Street, Fourth Floor, Santa Barbara, California, on Friday, August 10, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 3, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 7, 2007. All comments must be received no later than August 10, 2007, at the hearing in Santa Barbara, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is

based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California, 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Assistant Chief Rob Allen, Enforcement Branch, Department of Fish and Game, phone (916) 653-4094, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

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 202 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 and 11346.8 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 Business, 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 because this proposed regulation change does not involve business practices.

- (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: None.

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

The Commission 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: 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: 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.

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 or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: May 10, 2007

John Carlson, Jr.
Executive Director