

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 712
Title 14, California Code of Regulations
Re: Importation of Hunter-harvested Deer and Elk

- I. Date of Initial Statement of Reasons: January 11, 2008
- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 8, 2008
Location: San Diego, California
 - (b) Discussion Hearing: Date: March 7, 2008
Location: Stockton, California
 - (c) Discussion Hearing: Date: April 11, 2008
Location: Bodega Bay, California
 - (d) Adoption Hearing: Date: May 9, 2008
Location: Monterey, California
- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Department has been actively involved in educating the public about the dangers of chronic wasting disease and how people who import deer and elk carcasses must comply with the provisions of Section 712. This makes the section a higher than average profile regulation within the T-14. It is important that we respond to potential questions, concerns and enforcement problems created by the current wording of this regulation. That is the intent of these proposed amendments. By making the section more clear, both our constituents and enforcement officers can more readily understand the nuances of the mandates within this section.
 - (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 203, 240 and 2355, Fish and Game Code.
Reference: Sections 200, 203, and 2355, Fish and Game Code.
 - (c) Specific Technology or Equipment Required by Regulatory Change:

None
 - (d) Identification of Reports or Documents Supporting Regulation Change:

None
 - (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public hearings are necessary. The proposal clarifies the current section and makes it more enforceable and more easily understood by constituents. It also makes the section more enforceable by wardens.
- IV. Description of Reasonable Alternatives to Regulatory Action:
 - (a) Alternatives to Regulation Change:

The section needs clarification and the practical and direct way of doing that is to amend the wording of the present section.

(b) No Change Alternative:

The no change alternative was considered and rejected because the section can better serve its purpose by having some portions of the section clarified.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

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 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. The proposal clarifies and simplifies the basic purpose of the current wording of Section 712.

(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 agency 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

Informative Digest/Policy Statement Overview

Section 712 has become one of the higher profile regulations due to the Department's educational and enforcement efforts. Noteworthy progress has been made in educating the public about chronic wasting disease and the illegal importation of cervid (deer, elk) body parts.

Clarification of Section 712 can help further educate the public and supply more enforcement consistency.

It is prudent that potential questions, concerns and potential enforcement problems get addressed. Questions, problems and concerns concerning Section 712 can be directly addressed by amending the present wording of the section. By making the section more clear our constituents and enforcement officers can more readily understand the nuances of the mandates within the section. The proposal also allows additional and reasonable flexibility

The proposal will clarify what is meant by a clean skull plate, clarifies that processed meat cannot include spinal column or portions of the head, allows noncommercial processed cuts of meat to be imported, and clarifies that antlers in the velvet stage are permitted for importation.