

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

Amend Subsections 551(g), (j) and (q) and Sections 700.4, 701 and 705;
And Repeal Section 704, Title 14, California Code of Regulations (CCR)

Re: ALDS Acceptable Forms of Identification; Wildlife Area Passes and Annual Fee
Adjustments for Sport Fishing and Commercial Fishing

- I. Date of Initial Statement of Reasons: April 1, 2011

- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 30, 2011
Location: Stockton

 - (b) Discussion and Adoption Hearings: Date: September 15, 2011
Location: Redding

III. Description of Regulatory Action:

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

- 1. Add Acceptable Forms of Identification Required to Obtain Licenses, Permits, Tags, or Entitlements in ALDS

Currently, Section 700.4 lists the acceptable forms of identification a customer must provide before a license can be issued in ALDS. This requirement ensures that customers are uniquely identified in the ALDS database.

This proposal would amend 700.4 to add two new and clarify one previous acceptable form of identification and move the language from Section 704 to Section 700.4.

a. "Get Outdoors" Identification number or GO ID is issued by ALDS and is permanent and unique to each licensee. The GO ID is intended as an alternative form of identification and is used to retrieve customer information any time a licensee makes a purchase in ALDS.

b. Foreign Government Issued Photo Identification - adding this form of identification removes an unintended barrier for customers who do not possess any of the prior list of acceptable identifications.

c. Replace INS American Indian Card with an identification issued by a tribal registry or Bureau of Indian Affairs. As used in this section, “California Native American tribe” means a federally recognized Native American tribe in California or a non-federally recognized California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

This section is also amended to transfer the provisions of Section 704 in and for consistency to Fish and Game Code by identifying the surcharge as an “application fee.”

2. Amend regulations to allow issuance of One-Day Entry Passes for Type-A Wildlife Areas through ALDS

Currently, Section 551(g) specifies that the Department may issue season passes, two day passes and one-day entry permits at License Agents, Department offices, and Department check stations. Beginning with the 2011/12 hunting season, check stations will no longer sell any license items. One-day entry permits will still be issued by check stations but will require remittance of pre-purchased one-day, two-day, or season passes. Currently, One-day entry permits are not issued at Department offices or license agents because they are area specific and non-transferable.

This proposal would change the name of the daily entry permit to one-day pass and require hunters to purchase them in advance from any Department license sales offices, License Agent, or online. This new one-day pass will be submitted at the check station for issuance of an entry permit which is still required to legally hunt on Department areas where designated.

One-day entry permits are not currently issued at Department offices or License Agents because they are area specific and non-transferable. In 2011/2012 sales transactions of any type will no longer be feasible at Department check stations; therefore, this proposal is needed to allow for the issuance of pre-paid one-day entry passes at License Agents and Department offices.

This proposal also changes the name of the day use pass for non-hunting public uses to “day use permit” and specifies that day use permits may be obtained by any person in possession of a pre-purchased annual or daily Department lands pass. Annual and daily lands passes are available from Department license sales offices and license agents.

3. Update State and Federal Area regulations to perform reservation drawings through ALDS

Currently, Section 551(j) specifies that hunters may apply for waterfowl hunting reservations on State-Operated Wildlife Areas and National Wildlife

Refuges using one-choice, five-choice or season-long reservation applications.

This proposal updates the application process to allow hunters to apply using the ALDS. This will allow hunters to apply at any License Agent, Department license sales office or online.

This proposal makes applying for reservations more convenient for hunters because it will allow them to apply at any of License agent, Department office or online. This proposal will allow hunters more flexibility in applying, as a multiple choice application replaces one and five-choice applications.

Section 700.5 currently allows for the submission of applications in alternate formats, including ALDS, so this proposal is essentially cleanup for the purpose of clarification.

4. Fees for Sport Fishing and Commercial Fishing Permits and Applications

The fees for sport fishing items authorized in regulation are found in Section 701. The fees for commercial fishing permits authorized in regulation and references to applications are found in Section 705. Section 713 of the Fish and Game Code requires the Department to adjust license fees for changes in the cost of goods and services using the Implicit Price Deflator for State and Local Government Purchases of Goods and Services. This amendment will comply with Section 713, of the Fish and Game Code. Additionally, subsection 701(b) for the 2011 North Coast Salmon Report Card will remain at \$5.50 in order to properly reflect the permit fee without adding agent handling fee.

The fee for Steelhead Fishing Report and Restoration Cards is established in Fish and Game Code Section 7380 so it is not necessary to restate the fee in Section 701.

In addition, fees for some herring permits and references to applications would be moved to Section 705. In ALDS, sport fishing report cards are issued at the point of sale; therefore, any references to form numbers would be amended as needed.

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

Authority cited: Section(s) 200, 202, 203, 355, 713, 1050, 1054, 1526, 1528, 1530, 1570, 1571, 1572, 1765 and 10504, Fish and Game Code. Reference: Sections 355, 711, 713, 1050, 1054, 1055.3, 1526, 1528, 1530, 1570, 1571, 1572, 1764, 1765, 2006, 10504, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

This proposal would allow the Department to implement additional features provided by the ALDS.

(d) Identification of Reports or Documents Supporting Regulation Change:

Implicit Price Deflator Worksheets

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

None

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

None. There is no reasonable alternative to the proposed action. Existing regulations would not comply with the provisions of Section 713 of the Fish and Game Code that allow the Department to adjust the fees to compensate for increases in annual costs of goods and services.

(b) No Change Alternative:

Under the no change alternative, fees and applications for sport and commercial fishing licenses and permits would not be in compliance with Fish and Game Code Section 713 or provisions in the Fish and Game Code.

(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 regulations are 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 Businessmen to Compete with Businesses in Other States:

The proposed actions 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. Fee adjustments pursuant to Section 713 of the Fish and Game Code are based on changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags or other entitlements issued by the Department of Fish and Game.

- (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 Private Persons:

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) Other 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)

This proposal adds two new and clarifies one previous acceptable form of identification when a customer applies for a license in ALDS. The changes ensures customers are uniquely identified in the ALDS database and removes unintended barriers for customers to purchase licenses. This section is also amended to transfer provision of Section 704 in and for consistency to Fish and Game Code 1050(e), by defining the surcharge as an “application fee.”

One-day entry permits are not currently issued at Department license sales offices or License Agents because they are area specific and non-transferable. Beginning in 2011/2012, sales transactions of any type will no longer be feasible at Department check stations; therefore, this proposal is needed to allow for the issuance of pre-paid one-day entry passes at license agents, Department offices, and online. This proposal increases the number of locations that a one-day pass may be purchased from only at the check station to any Department license sales office or approximately 1,400 license agents and online.

This proposal also changes the name of the day use pass for non-hunting public uses to “day use permit” and specifies that day use permits may be obtained by any person in possession of a pre-purchased annual or daily Department lands pass. Annual and daily lands passes are available from Department license sales offices and License Agents.

This proposal also updates the waterfowl hunting reservation application process to allow hunters to apply for waterfowl hunting reservations using the ALDS. This proposal makes applying for reservations more convenient for hunters because it will allow them to apply at any License Agent, Department license sales office or online. This proposal further allows waterfowl hunters more flexibility in applying as a multiple choice application replaces one and five-choice applications.

Editorial relocation of Section 704 to existing Section 700.4 is proposed to move language affecting ALDS to one section and remove forms previously incorporated by reference prior to ALDS, and to improve readability for the public.

Other administrative changes affecting sport and commercial fishing fees are proposed to comply with the Fish and Game Code.