

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

Amend Section 5.05 and 5.60
Title 14, California Code of Regulations
Re: SF 4: Sport Fishing Regulations for the Take of Amphibians and Reptiles

- I. Date of Initial Statement of Reasons: May 29, 2012
- II. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 20, 2012
Location: Mammoth Lakes, CA
 - (c) Discussion Hearing: Date: August 8, 2012
Location: Ventura, CA
 - (d) Adoption Hearing: Date: November 7, 2012
Location: Los Angeles
- III. Description of Regulatory Action:
 - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Existing regulations specify 28 amphibians and 58 reptiles that can lawfully be collected with a sportfishing license in California. The proposed regulatory change removes eight amphibians and three reptiles designated as Species of Special Concern. The regulation change is intended to increase conservation consideration for amphibians and reptiles known to be at risk. The regulation change also updates scientific and common names to current nomenclature, and delineates geographic boundaries for Special Closures as necessary to reflect taxonomic changes or other new scientific information.

The Department designates Species of Special Concern to focus attention on animals at risk and achieve conservation and recovery before listing them as threatened or endangered becomes necessary. The Department currently has no information about amount or effects of sport take for these animals, so it is therefore prudent to remove Species of Special Concern from collection.

Numerous taxonomic revisions have occurred since this regulation was last amended in 2002. The proposed regulatory change updates common and scientific names to current nomenclature, delineates geographic boundaries for Special Closures as necessary to reflect taxonomic changes or other new scientific information. The proposed change also

clarifies the take of rattlesnakes that is allowed.

Proposed Regulations

Consideration and adoption of these proposed regulations will result in the following:

Amend 5.05 and 5.60

Removal of eight amphibians and three reptiles from the list of species currently authorized for take with a sportfishing license. Twenty amphibians and 55 reptiles will remain legal for take with a sportfishing license.

Current nomenclature for all species on the list.

Updated language regarding Special Closures where new scientific information indicates it to be appropriate.

Changing the bag and possession limit for two non-native amphibians from four to unlimited.

Clarification of allowed take of rattlesnakes.

The benefits of the proposed regulations are to improve conservation of at-risk animals in California, sustainable management of sport fishing resources, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

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

Authority: Sections 200, 202, 205, 210, 219 and 220 Fish and Game Code.

Reference: Sections 200, 201, 202, 203.1, 205 and 220 Fish and Game Code

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

None.

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

[Economic Impact Analysis.](#)

[Public Proposed Regulatory Changes and Department Recommendations For 2012 Inland Sport Fishing Regulations Review Cycle.](#)

[Amphibian and Reptile Species of Special Concern in California” \(Jennings and Hayes 1994\).](#)

[Special Animal List \(California Department of Fish and Game January 2011\), draft revised.](#)

[Amphibian and Reptile Species of Special Concern in California” \(Thomson et al. 2012 In Review\).](#)

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

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified.

- (b) No Change Alternative:

The no change alternative would result in the Commission and Department continuing to allow take of species known to be at conservation risk without having evaluated the effects of sport take on these species.

- (c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment. Therefore, no mitigation is necessary.

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 proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts. The actions proposed will improve Department efforts related to conservation of at-risk animals in California.

- (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; 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 potential impacts from the proposed regulations in the Sport Fishing Review Cycle may range from 0 to 16,000 jobs depending on the Commission's final actions. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for the sport fisheries encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

(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, Government Code:

None.

(h) Effect on Housing Costs:

None.

Informative Digest (Policy Statement Overview)

Existing regulations specify 28 amphibians and 58 reptiles that can lawfully be collected with a sportfishing license in California. The proposed regulatory change removes species designated as Species of Special Concern from authorized take with a sportfishing license, and revises special closure areas to include 11 species or subspecies. The regulation change is intended to increase conservation consideration for animals known to be at risk. The regulation change also updates scientific and common names to those currently in use to help eliminate potential confusion by licensees or Department staff. The regulation change also explicitly lists rattlesnake species allowed for sport take to eliminate existing confusion about how bag and possession limits apply to these snakes. For two amphibian species now known to be introduced to California, the regulation change also revises the bag and possession limit from four to unlimited.

The Department designates Species of Special Concern to focus attention on animals at risk and achieve conservation and recovery before listing them as threatened or endangered becomes necessary. The Department currently has no information about amount or effects of sport take for these animals, so it is therefore prudent to remove species of concern from collection.

Numerous taxonomic revisions have occurred since this regulation was last amended in 2002. The proposed regulatory change updates common and scientific names to current nomenclature, delineates geographic boundaries for Special Closures as necessary to reflect taxonomic changes or other new scientific information.

Proposed Regulations

Consideration and adoption of these proposed regulations will result in the following:

Amend 5.0 and 5.60

Removal of eight amphibians and three reptiles from the list of species currently authorized for take with a sportfishing license. Twenty amphibians and 55 reptiles will remain legal for take with a sportfishing license.

Provide current taxonomic nomenclature for all species on the list.

Updated language regarding Special Closures where new scientific information indicates closures to be appropriate.

Changing the bag and possession limit for two non-native amphibians from four to unlimited.

Explicitly listing rattlesnake species authorized for sport take to eliminate existing confusion about applicable bag and possession limits for these snakes.

The benefits of the proposed regulations are to improve conservation of at-risk animals in California, sustainable management of sport fishing resources, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.