

REGULAR

See instructions on reverse

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2013-0108-07	REGULATORY ACTION NUMBER 2013-0315-055	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Fish and Game Commission			AGENCY FILE NUMBER (if any)

ENDORSED FILED
IN THE OFFICE OF
2013 APR 12 PM 1:47
Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2013 3-2	PUBLICATION DATE 1-18-2013

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Sport Fishing Report Card Requirements and Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1.74, 701
	REPEAL
TITLE(S) 14	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sherrie Fonbuena	TELEPHONE NUMBER 916-654-9866	FAX NUMBER (Optional) (916) 653-5040	E-MAIL ADDRESS (Optional) SFonbuena@fgc.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Scott Barrow</i>	DATE 3/15/13
TYPED NAME AND TITLE OF SIGNATORY Scott Barrow, Deputy Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 12 2013

Office of Administrative Law



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REGULATORY LANGUAGE

Section 1.74, Title 14, CCR, is amended to read:

§1.74. Sport Fishing Report Card and Tagging Requirements.

(a) Purpose. These regulations address ~~potential concern for overfishing and a lack of~~ are designed to improve recreational fishing effort and catch information in some or all areas where the fishery ~~operates~~ fisheries operate. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

(b) ~~Species and Location Requirements. Individuals~~ Report card requirements apply to any person fishing for or taking the following species are subject to report card requirements in the following ~~locations described below~~ regardless of whether a sport fishing license is required:

(1) Salmon, in the Klamath Trinity River System and Smith River only. The Klamath Trinity River System and Smith River are defined as the anadromous waters of the Klamath, Trinity, and Smith river basins. Anadromous waters are defined in Section 1.04.

(2) Steelhead trout, in all anadromous waters where take is authorized.

(3) White sturgeon, in all areas where take is authorized. Tagging of retained individual sturgeon is also required.

(4) Red abalone, in all areas where take is authorized. Tagging of retained individual abalone is also required

(5) California spiny lobster, in all areas where take is authorized.

(c) General Report Card Requirements.

(1) Any person fishing for or taking any of the species identified in this Section shall have in ~~his~~ their immediate possession a valid non-transferable report card issued by the department for the particular species. See special exemption regarding possession of report cards for lobster divers in Section 29.91.

(2) ~~Notwithstanding other statutes and regulations that may exempt sport fishing license requirements, non-transferable report cards are required for any person fishing for or taking the species identified above. All cardholders shall adhere to all reporting and tagging requirements defined in this Section and Sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 regardless of whether a sport fishing license requirement applies. This provision applies to all of the following persons:~~

(A) ~~Any person who is under 16 years of age~~

(B) ~~Any person who is fishing from a public pier~~

(C) ~~Any person who is fishing on free fishing days~~

(D) ~~Any person who holds a lifetime fishing license~~

(3) ~~Persons described in subsections 1.74(c)(2) may purchase report cards without purchasing a license.~~

(4) ~~(2)~~ All entries made on any report card or tag must shall be legible and in indelible ink.

(5) ~~Entries Required at the Time of Report Card Issuance. At the time of issuance of the report card, the cardholder is responsible for entry of the following information, unless both the report card and the sport fishing license are issued through the Automated License Data System:~~

(A) ~~The date the report card is issued, the individual's name, street address, city, state, zip code, home phone, and date of birth shall be entered in the appropriate spaces on the report~~

card. If the cardholder has a driver's license, or DMV identification number, this information shall also be entered in the appropriate spaces. If the cardholder has an e-mail address, it may be entered in the space provided.

~~(B) Acquisition of Sturgeon Fishing Report Cards and Abalone Report Cards—If the cardholder is required to have a sport fishing license, the report card number shall be entered in the designated space provided on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.~~

~~(C) Acquisition of North Coast Salmon Report Cards, Steelhead Report and Restoration Cards and Spiny Lobster Report Cards—If the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered in the blank area on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.~~

~~(D) If the cardholder wishes to purchase another fishing license after their one, two, or ten-day sport fishing license has expired the cardholder need not purchase a second report card for any species, so long as the cardholder still possesses the report card valid for the calendar year. At the time of purchase of the subsequent license, the additional sport fishing license number shall be entered in the appropriate space on the report card. If there is a space provided for the particular card on the sport fishing license, the number shall be entered in the appropriate space at the time of purchase. If there is no space provided for the card, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license.~~

~~(6) A report card shall be valid only during the open fishing season for the calendar year shown on the report card.~~

(3) A report card holder fishing with a one, two, or ten-day sport fishing license, may replace the expired fishing license without purchasing a new report card so long as the report card is still valid.

(4) Report cards are not transferable and shall not be transferred to another person. No person shall possess any report card other than his own.

(5) Only one abalone report card and one sturgeon report card may be issued per person per report card period.

(6) Any report card holder who fills in all available lines on his steelhead, salmon or lobster report card shall return or report the card to the department pursuant to subsection 1.74(e) prior to purchasing a second card.

(7) Data recording and tagging procedures vary between report cards and species. See specific regulations in sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 that apply in addition to the regulations of this Section.

(d) Report Card Return and Reporting Requirements

(7)(1) Report card holders shall return or report their salmon, steelhead, sturgeon, or abalone report cards to the department pursuant to subsection 1.74(e) card by January 31 of the following year to the department at the address specified on the card.

(8)(A) Any person who fails to return or report his or her salmon, steelhead, sturgeon, or abalone report card to the Department by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

(2) Report card holders shall return or report their lobster report cards purchased on or before July 31, 2013 pursuant to subsection 1.74(e) by January 31 of the following year.

(3) Report card holders shall return or report their lobster report cards purchased after July 31, 2013 pursuant to subsection 1.74(e) by April 30 following the close of the lobster season specified on the card.

(A) Any report card holder who fails to return or report his lobster report card purchased after July 31, 2013 by April 30 following the close of the lobster season specified on the card shall be subject to a non-return fee specified in Section 701, in addition to the annual report card fee, for the issuance of a lobster report card in the subsequent fishing season.

(e) Report Card Return and Reporting Mechanisms:

(1) By mail or in person at the address specified on the card. A report card returned by mail shall be postmarked by the date applicable to that card as specified in subsection 1.74(d)(1), 1.74(d)(2), or 1.74(d)(3).

(2) Online through the department's internet license sales service website by the date applicable to that card as specified in subsection 1.74(d)(1), 1.74(d)(2), or 1.74(d)(3).

(3) If a report card is submitted by mail and not received by the department, it is considered not returned unless the individual reports his report card as lost pursuant to subsection 1.74(f).

(9) For abalone and sturgeon report cards, only one report card may be issued per person per license year.

(10) Report cards may not be transferred to another person and no person may possess any report card other than their own.

(d) Replacement Procedures for Lost Abalone or Sturgeon Report Cards. For species for which an individual may purchase only one report card per year (i.e., abalone and sturgeon), if the cardholder loses the card, a replacement card shall be acquired only by following the procedures below:

(1) The individual shall provide all of the following to a department license sales office:

(A) A photocopy of the original report card issued in the cardholder's name, unless the report card was issued through the Automated License Data System.

(f) Lost report cards.

(B)(1) Any report card holder who loses his report card shall submit an Affidavit, signed under penalty of perjury, in person to a department license sales office containing all of the following information:

(A)1. A statement containing the report card holder's full name confirming that the originally issued report card cannot be recovered.

(B)2. A statement of the report card holder's best recollection of the prior catch records that were entered on the report card that was lost, including the number of tags utilized.

(C)3. A statement describing the factual circumstances surrounding the loss of the card.

(C) Proof of purchase of the original report card, in the form of an itemized receipt, credit card billing statement, invoice, or other written business record expressly documenting that a report card for the particular species was purchased and the corresponding fee was paid. The cardholder is exempt from this requirement if the report card was issued through the Automated License Data System.

~~(D) Payment of the Replacement Card Fee specified in Section 701(f), 701(g) or 701(h) Title 14, CCR, established pursuant to subdivision 1053(b) of the Fish and Game Code, and as adjusted pursuant to Sections 713 and 1055 of the Fish and Game Code.~~

~~(E) Payment of the Replacement Processing Fee specified in Section 701(i) or 701(j), Title 14, CCR, established pursuant to subdivision 1050(e) of the Fish and Game Code.~~

(2) An Affidavit for a lost report card shall be presented at a department license sales office, by the date applicable to that card specified in subsection 1.74(d)(1), 1.74(d)(2), or 1.74(d)(3) to be considered returned.

(3) Notwithstanding subsection 1.74(c)(5), any report card holder who loses his report card during the period for which it is valid may replace the lost report card by submitting an affidavit as described in subsection 1.74(f)(1) and payment of the report card fee and replacement processing fee specified in Section 701.

(A)(2) Based on the information provided in the written affidavit for abalone and sturgeon report cards, the department shall issue only the number of tags that were reported unused on the previously issued report card.

~~(3) At the time the replacement card is acquired, if the cardholder is required to have a sport fishing license, the number of the replacement card shall be entered in the appropriate space on the sport fishing license and the fishing license number shall be entered in the space provided on the report card.~~

~~(4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.~~

~~(e) Replacement Procedures for Salmon, Steelhead, or Lobster Report Cards.~~

~~(1) Any cardholder who fills in all available lines on his or her steelhead, salmon or lobster report card shall return the card to the department at the address specified on the card prior to purchasing a second card.~~

~~(2) Any cardholder who loses his or her steelhead, salmon or lobster report card may purchase a second card, but at or before the time of purchase shall provide a written affidavit to the department at the address on the report card documenting the lost catch and effort data required by the card to the best of the cardholder's recollection.~~

~~(3) At the time the additional card is acquired, if the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license, and the fishing license number shall be entered in the space provided on the report card.~~

~~(4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.~~

~~(f) Specific Report Card and Tagging Requirements. Data recording and tagging procedures vary between report cards and species. See specific regulations in Sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 that apply in addition to the regulations of this Section.~~

Note: Authority cited: Sections 200, 202, 205, 220, 240, 1050, 1053.14053, 1055, 1055.1 and 7380, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 220, 240, 713, 1050, 1053.14053, 1055, 1055.1, 7149.8, 7380, 7381 and 7382, Fish and Game Code.

Section 701, Title 14, CCR, is amended to read:

§701. Sport Fishing Forms and Fees.

Application	Permit Fees (US\$)	Replacement Processing Fees (US\$)
(a) Declaration for Multi-Day Fishing Trip (FG 935 (Rev. 9/12)), incorporated by reference herein	5.75	
(b) 2013 North Coast Salmon Report Card	5.75	
(c) 2013 Sturgeon Fishing Report Card	7.50	
(d) 2013 Sturgeon Fishing Replacement Report Card and Replacement Fee	7.50	7.50
(e) 2013 Spiny Lobster Report Card	8.75	
<u>(f) 2014 Spiny Lobster Report Card Non-Return Fee</u>	<u>20.00</u>	
(f) (g) 2013 Abalone Replacement Report Card and Replacement Fee	9.50	7.50

~~(g)~~(h) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlements required by regulations set forth in this section.

Note: Authority cited: Sections 200, 202, 205, 220, 713, 1050, 1053.1, and 7149.8, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 220, 713, 1050, 1053.1, 1055, and 7149.8, Fish and Game Code.

