

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

Amend Section 510
Title 14, California Code of Regulations
Re: State Duck Stamp

I. Date of Initial Statement of Reasons: April 15, 2013

II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: May 22, 2013
Location: Los Angeles, CA
- (b) Discussion Hearing: Date: June 26, 2013
Location: Sacramento, CA
- (c) Adoption Hearing: Date: August 7, 2013
Location: San Luis Obispo, CA

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 current language is not current with requirements of the Automated License Data System (ALDS) and hunting validations. Duck and Upland Game Bird stamps have been replaced with validations that imprint on license documents.

The proposed change is:

Amend the language to “Any adult license holder taking ducks, geese, or brant must have a current state duck validation in his or her possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section.”

The existing regulation refers to a physical stamp required to be affixed to the hunter’s license. Since ALDS was implemented stamps are no longer required to be affixed to a license. The proposed change would amend the section to be consistent with Fish and Game Code section (FGC) 3700.1. In addition, the current language requires adult license holders to possess a duck stamp to take ducks, geese, or brant, but does not define an adult license holder. The proposed language clarifies that any person who is hunting under the authority of a junior hunting license is exempt from obtaining a duck validation. This language is consistent with Fish and

Game Code section 3700.1 which requires hunters to purchase a duck validation to pursue these species, but exempts hunters who are hunting under the authority of a junior hunting license.

The benefits of the proposed regulations are concurrence with Federal law and sustainable management of the waterfowl resources.

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: Migratory Bird Treaty Act, section 355, Fish and Game Code.

Reference: Migratory Bird Treaty Act, sections 355 and 3700, 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 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 other alternatives were identified

- (b) No Change Alternative:

1. The No Change Alternative would maintain the existing language in FGC section 510. Existing language does not concur with current regulations.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative

considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to the affected private persons than the proposed regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business:

None.

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 proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

(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:

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 Commission anticipates benefits to the health and welfare of California residents. The proposed regulation is intended to provide clarity to the hunting public.

(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

Current regulations in section 510, Title 14, California Code of Regulations (CCR), require the state duck stamp to be affixed to a hunter's license for taking ducks, geese, or brant. The implementation of the Automated License Data System (ALDS) eliminated the requirement of physical duck stamps to be affixed to the hunter's license. The proposal would update the section to be consistent with Fish and Game Code section 3700.1 clarifying that any person who is hunting under the authority of a junior hunting license is exempt from obtaining a duck validation.

The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of the waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of selling duck stamp validations for the waterfowl hunting season in 2013-2014.

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.

The Commission has searched the California Code of Regulations and has determined that there are no other regulations that are neither inconsistent nor incompatible with the proposed regulations.

The Department's proposal is as follows:

Amend the current language to "Any adult license holder taking ducks, geese, or brant must have a current state duck validation in his or her possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section."