

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Sections 5.79 and 27.92
Title 14, California Code of Regulations

Re: White Sturgeon Report Card and Tagging Requirements for Inland and Ocean Waters

I. Date of Initial Statement of Reasons: April 17, 2013

II. Date of Final Statement of Reasons: October 28, 2013

III. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: June 26, 2013
Location: Sacramento, CA

(b) Discussion Hearing: Date: August 7, 2013
Location: San Luis Obispo, CA

(c) Adoption Hearing: Date: October 2, 2013
Location: Ventura, CA

IV. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

No public comments, written or oral, were received during the public comment period.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife
1416 Ninth Street, Suite 1326

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No reasonable alternatives were identified.

(b) No Change Alternative:

The no change alternative was considered and rejected. There are numerous people violating the law by reusing sturgeon tags. This new requirement will assist in stopping this illegal practice.

(c) Consideration of Alternatives:

In view of the 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 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.

IX. 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. Proposed changes in the design of the White Sturgeon Report Card will not limit or expand the ability of people to fish for white sturgeon in inland and ocean waters.

(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 proposed regulation will have no impact on the creation or elimination of jobs or the creation/elimination/expansion of businesses in California because the amended provisions do not limit the ability of people to fish for white sturgeon in inland and ocean waters.

The Commission anticipates benefits to the environment in the form of improved enforcement of daily and annual bag limits, as well as preventing the illegal harvest of white sturgeon by anglers re-using tags.

The Commission anticipates benefits to the health and welfare of California residents. Maintaining sustainable populations of white sturgeon in California will benefit the residents of the state by providing continued recreational angling opportunities.

The Commission does not anticipate any benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The commission 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

Updated Informative Digest/Policy Statement Overview

Current regulations require that a Sturgeon Report Card be purchased prior to fishing for white sturgeon in both inland and ocean waters. Attached to the report card are three white sturgeon tags. After a white sturgeon is caught and retained, the tag must be detached from the card and information such as date, size of fish and location caught must be written on the tag. The tag must then be attached to the fish. The daily bag limit for white sturgeon is one and the annual bag limit is three. Only one card may be issued to an angler per year.

Wildlife Officers in the field are finding many white sturgeon cards and tags that appear to be used more than once. The ink on the card and tags appear to be erased and written over with a new date and other info reinserted on the card and tag. Wildlife Officers have also witnessed this activity taking place during surveillances of white sturgeon anglers.

Currently, if a person fills out their white sturgeon card and tag and then makes it home without being checked by a Wildlife Officer, they can erase the information written on the tag and card and reuse the same line on the white sturgeon card and reuse the same tag. This activity is illegal. When this takes place undetected, the angler can catch and tag more than the annual limit of three white sturgeon.

Anglers are required to return Sturgeon Report Cards to the Department at the end of the year. Information from the report cards is used to assist in the management of the fishery.

Benefits of the Regulations.

This proposal changes the design and marking requirements to prevent anglers from 'reusing' the tags through a permanent marking method.

The new tag would be changed to become similar to existing punch style tags for other species. The new tag will have months and days listed with a small bubble or circle shape next to each month and date and an area on the tag to document the time of catch. The angler must punch out the month and date and document the time of the catch. When the angler fills out the tag and punches out the date of catch, the tag cannot be reused. The angler will be in violation if the date of the catch is not punched out when a white sturgeon is kept and may be cited if caught by a wildlife officer.

This change will facilitate enforcement of daily and annual bag limits and fisheries management.

This proposed regulation change must become effective January 1, 2014. This will ensure only one type of Sturgeon Report Card will be available and valid at the beginning of the 2014 calendar year. This will coincide with the availability of 2014 fishing licenses.

Non-monetary benefits to the public.

The Commission anticipates that the proposed amendments to the regulations will provide non-monetary benefits to the public by improving enforcement of daily and annual bag limits, as well as preventing the illegal harvest of white sturgeon by anglers re-using tags.

The Commission anticipates non-monetary benefits to the health and welfare of California residents. Maintaining sustainable populations of white sturgeon in California will benefit the residents of the state by providing continued recreational angling opportunities.

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

Evaluation of incompatibility with existing regulations

The proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing state or federal regulations. Key word search in California Code of Regulations resulted in no other agency having authority for Sturgeon Regulations.

The Commission adopted the regulations without modification at the October 2, 2013 meeting.