

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

Amend Sections 5.79 and 27.92,
White Sturgeon Report Card and Tagging Requirements
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. 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

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
Current regulations require anglers to purchase a white sturgeon report card 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 is then attached to the fish. The daily bag limit for white sturgeon is one and the annual bag limit is three. Only one report 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 and 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 report card and tag and then makes it home without being checked by a Wildlife Officer, they can then 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.

The new tag will have an area on it for the time of catch. This is the only new information requested for the tag. The white sturgeon report card will remain the same and not have any new requirements.

The requirement to punch out the date when a white sturgeon is taken will assist both enforcement and fisheries management. This will facilitate enforcement of daily and annual bag limits.

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 sport fishing licenses.

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 pig and deer tags. 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.

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

Authority: Sections 200, 202, and 205 Fish and Game Code

Reference: Sections 200, 202, and 205 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

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

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

IV. 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 information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected 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 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

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.