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

Amend Sections 200.12, 200.29, and 200.31
Title 14, California Code of Regulations
Re: Tiger Salamander (waterdogs)

I. Date of Initial Statement of Reasons: March 18, 2014

II. Dates and Locations of Scheduled Hearings:

(a)	Notice Hearing:	Date: June 4, 2014 Location: Fortuna, CA
(b)	Discussion and Adoption Hearing	Date: August 6, 2014 Location: San Diego, 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 provide for the legal sale of "waterdogs" (i.e. tiger salamanders) as live fish bait. However, importation, transportation, and possession of tiger salamanders (Family *Ambystoma*) has been banned in California since 2001 due to their detrimental effect on native wildlife (subsection 671(c)(3)(C)1., Title 14, California Code of Regulations (CCR). The proposed amendments delete all reference to waterdogs as bait in order to make existing regulations consistent with Section 671 and clarify to the public that the use of this bait is prohibited.

The specific recommended regulation changes are:

1) In current Section 200.12 delete ", live waterdogs (as defined in subsection 200.31(c))." This change clarifies and more accurately reflects the species that can be sold as freshwater bait fish. Tiger salamanders have been banned from importation, transportation, and possession in California since 2001 (subsection 671(c)(3)(C)1., Title 14, CCR).

2) Delete subsection 200.29(c), Title 14, CCR. This change clarifies and more accurately reflects the sources of legal freshwater bait fish. Tiger

salamanders have been banned from importation, transportation, and possession in California since 2001 (subsection 671(c)(3)(C)1., Title 14, CCR).

Correct a minor error in subsection 200.29(b), the citation includes "CAC" which is out of date. The current regulations are found in Section 116, Title 14, CCR.

3) In current subsection 200.31(c), Title 14, CCR, delete ", except for waterdogs (exotic subspecies of the tiger salamander, Ambystoma tigrinum ssp.). No waterdogs 3 inches or less in length may be sold as bait." This change clarifies and more accurately reflects the species that are prohibited for the purpose of commercial bait sales. Tiger salamanders have been banned from importation, transportation, and possession in California since 2001 (subsection 671(c)(3)(C)1., Title 14, CCR).

   Correct a minor error in the citation of subsection 4.20(a)(4)(A), (B) and (C) Title 14, CCR, the referenced subsections (4)(A)-(C) do not exist. The correct citation is subsection 4.20(d)(1), (2) and (3), Title 14, CCR.

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

Authority cited: Sections 2120, 2122, 8437, 8460, 8462, 8491, 15005 and 15006, Fish and Game Code.

Reference: Sections 2000, 2000.5, 2001, 2002, 2013, 2120, 2121, 2122, 2270-2272, 6300, 6301, 6303, 6306, 6401, 8437, 8460-8463, 8490, 8491, 15005, 15006 and 15101, 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 Assessment

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

No public meetings are scheduled 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:

The No Change Alternative would not correct inconsistencies in the regulations regarding the prohibited use of waterdogs for bait.

(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 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, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.
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(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, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety because the proposed amendments do not affect health, welfare, or safety.

The Commission anticipates benefits to the state's environment because the amendments make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species (subsection 671(c)(3)(C)1.) due to their detrimental effects on native wildlife.

(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, Government Code:

None.

(h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

Current regulations in sections 200.12, 200.29, and 200.31, Title 14, California Code of Regulations (CCR), provide for the legal use of waterdogs (i.e. tiger salamanders) as freshwater bait fish. These current regulations conflict with subsection 671(a) which specifies that it is "unlawful to import, transport, or possess" restricted species including tiger salamanders, which are listed in subsection 671(c)(3)(C)1.

The Commission proposes to remove the conflicting provisions in these sections from the regulatory text.

Benefits of the regulations

The benefits of the amended regulations, which remove references to "waterdogs" in sections 200.12, 200.29, and 200.31, will be in making these sections consistent with subsection 671(a). This will resolve any public confusion over the illegal use of waterdogs as bait in California.

Non-monetary benefits to the public

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 amended regulations clarify for the public that the use of waterdogs as bait is not permitted in the state.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to sections 200.12, 200.29, and 200.31 are neither inconsistent nor incompatible with existing state regulations. The changes will resolve existing inconsistencies with Section 671.