



# STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



**THURSDAY, OCTOBER 24, 2019**

**Meeting Time: 4:00 p.m.**

**Location: DER Conference Room, 3800 Cornucopia Way, Ste. C, Modesto, CA 95358  
(Stanislaus Building - 2nd floor)**

## AGENDA

### Call Meeting to Order & Introductions:

The Stanislaus County *Fish & Wildlife Committee (F&WC)* encourages public participation and welcomes the public's interest.

Members of the public may be heard on any item of the Fish and Wildlife Committee's Agenda. A person addressing the Committee will be limited to five (5) minutes, unless the Chairperson of the Committee grants a longer period of time. The Committee will allow comments by members of the public on an agenda item only during consideration of the item.

### Requests for Funds & Project Updates:

1. None.

### Correspondence:

1. Notice of Proposed Changes in Regulations Relating to the California Pacific Herring Fishery Management Plan
2. Notice of Receipt of Petition to List an Evolutionarily Significant Unit (ESU) of Mountain Lions (*Puma concolor*) in Southern and Central Coastal California as Threatened or Endangered, Under the California Endangered Species Act
3. Notice of Findings to List San Bernardino Kangaroo Rat as a Candidate Species
4. Notice of Proposed Regulatory Action Relative to Sections 90 and 704, Title 14, California Code of Regulations, relating to the Issuance of Experimental Fishing Permits
5. Notice of Proposed Regulatory Action Relative to Section 473, Title 14, California Code of Regulations, Relating to the Possession of Non-Game Animals (Nutria)

### Agenda Items:

1. Public Comment(s)
2. Introduction of Attendees
3. Approval of July 25, 2019 Meeting Minutes
4. Stanislaus Wildlife Care Center "Donations" – Dianne Parkinson
5. Appoint Regular Member, Jason Guignard, as Alternate Member
6. Appoint Alternate Member, Brian Mollard, as Regular Member
7. Wildlife Management Report
8. Fishery Report
9. Wildlife Enforcement Report
10. Wood Duck Report
11. Old Business
12. Committee Comments

**Adjourn: Next meeting – Thursday, January 23, 2020, at 4:00 p.m.**

*Please notify the Department of Parks and Recreation at 525-6770 in advance if you will be attending this meeting and require special accommodation for the meeting.*

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**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Committee Secretary at (209) 525-6770. Notification 72 hours prior to the meeting will enable the Department to make reasonable arrangements to ensure accessibility to this meeting. Agendas can also be found online at <http://www.stancounty.com/parks/fish-wildlife-committee.shtm> subject to staff's ability to post prior to the meeting. Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



# STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE



3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358

**PARKS AND RECREATION**  
Jami Aggers, Director  
Ed Ayers, Chair

## MINUTES

**JULY 25, 2019, AT 4:00 P.M.**

**3800 CORNUCOPIA WAY, 2<sup>ND</sup> FLOOR, CONFERENCE ROOM  
MODESTO, CA 95358-9494**

(Agendas can be found online at <http://www.stancounty.com/parks/fish-wildlife-committee.shtm>)

### COUNTY FISH & WILDLIFE MEMBERS PRESENT:

Vernon Gladney, D1  
Ed Ayers, D2  
Phil McKay, D2  
Jim Atherstone, D3  
Ken Meidl, D4  
Bob Bashaw, D5  
Kern Hunewill, D5

### STATE FISH & WILDLIFE REPRESENTATIVE(S):

- Lieutenant Darren Walther,  
CA Dept. of Fish & Wildlife

### PARKS & RECREATION STAFF PRESENT:

- Jami Aggers, Director,  
Stanislaus Co. Dept. of  
Parks & Recreation
- William Shirley

### EXCUSED/ABSENT:

Jason Guignard, D1  
Tom Sexton, D1

### GUESTS PRESENT:

- Stephen Sheppard,  
Director of Operations,  
River Partners
- Emily Piersma, ESRCD
- Brian Mollard

### A. CALL TO ORDER & INTRODUCTIONS

Ed Ayers called the meeting to order, and introductions were made of all in attendance.

*Ed Ayers*

### B. REQUESTS FOR FUNDS/PROJECT UPDATES

Emily Piersma from the East Stanislaus Resource Conservation District (ESRCD) requested funds in the amount of \$243.27, for the Salmon Festival t-shirts.

Jim Atherstone motioned to approve the Fund Request, and Phil McKay seconded the motion. The motion was unanimously carried.

#### ACTIONS & REPORTER

*Emily Piersma*

*Ed Ayers  
Jim Atherstone  
Phil McKay*

### C. CORRESPONDENCE

The Committee acknowledged the correspondence received.

#### ACTIONS & REPORTER

*Ed Ayers*

### D. PUBLIC COMMENTS

None.

#### ACTIONS & REPORTER

*Ed Ayers*



<p><b>E. DEPARTMENT OF PARKS AND RECREATION CHANGES</b></p> <p>The Board of Supervisors took an action in June, 2019, to separate the Department of Parks and Recreation (Parks) from the Department of Environmental Resources (DER), to act as a stand-alone Department like it was 24 years ago and to operate under a single Department Head. This separation is possible for a couple of reasons. First, over the last five (5) years, in particular, Parks has been very successful at events at our Regional Parks and therefore, increasing revenue. Second, we have been marketing those facilities to the public. We are on the map now, and people know where we are. Also, you can reserve your campsites on a website through ReserveAmerica.com. Reservations can be made at Modesto Reservoir, Woodward Reservoir, and at Frank Raines OHV Park. Further, the County is in a good financial place right now. Therefore, the County is in the process of recruiting for a Director for Parks. Applications for this position closed on Monday of this week, so interviews will begin next month. Parks will be adding a few more positions, and some of the existing positions will transfer over. This separation may not change where you have your meetings because the Parks Staff will be located in the Tuolumne Building, just across the way, so you can still continue to use this Conference Room. However, if Parks decides that you should use the Conference Room at the Tuolumne Building; you will still be on this campus.</p> <p>We have to figure out details like who will be reporting these meetings, i.e., who will do the minutes and agendas, etc. We will figure that out as positions start to be filled. We will try to make this transition as seamless as possible.</p>	<p><b>ACTIONS &amp; REPORTER</b></p> <p><i>Jami Aggers</i></p>
<p><b>F. RIVER PARTNERS</b></p> <p>Stephen Sheppard, Director of Operations for River Partners, gave a presentation on River Partners, a non-profit organization that restores riparian habitat and wildlife recovery. Mr. Sheppard provided detailed information on the operations of River Partners in Stanislaus County and in other counties throughout the State of California.</p>	<p><b>ACTIONS &amp; REPORTER</b></p> <p><i>Stephen Sheppard</i></p>
<p><b>G. UPDATE ON FISHING SURVEY CARDS</b></p> <p>The updated Fishing Survey, relating to Modesto Reservoir and Woodward Reservoir, was handed out to the Committee members, for their review.</p>	<p><b>ACTIONS &amp; REPORTER</b></p> <p><i>Ed Ayers</i> <i>Will Shirley</i></p>
<p><b>H. APPROVAL OF MINUTES</b></p> <p>Vernon Gladney motioned to accept the April 25, 2019 Minutes, and Bob Bashaw seconded the motion. The motion was unanimously carried.</p>	<p><b>ACTIONS &amp; REPORTER</b></p> <p><i>Ed Ayers</i> <i>Vernon Gladney</i> <i>Bob Bashaw</i></p>
<p><b>I. WILDLIFE MANAGEMENT REPORT</b></p> <p>In Tuolumne County, the bears are active and there are a lot of quail. With regard to water fowl, this past year was not a great year in this area. Stanislaus County and Tuolumne County are full of wood ducks, and turkeys are everywhere.</p> <p>We have a new biologist who started a couple of days ago, for the east part of Stanislaus County. His name is Mark Abrahm. He handles all of Tuolumne County and then Stanislaus County, from the east side to Highway 99. He grew up in this area, and he is an avid hunter.</p> <p>The new Warden for Patterson is Joseph "Joe" Billmeyer. He has been in the field since last August. He is 24 years old, and he lives in the Patterson area. He knows water fowl, which is a plus for us, and he is an avid bass fisherman.</p> <p>Darren will possibly bring all three (3) Stanislaus County Game Wardens to the next</p>	<p><b>ACTIONS &amp; REPORTER</b></p> <p><i>Darren Walther</i></p>

Fish & Wildlife Committee meeting.

<b>J. FISHERY REPORT</b>	<b>ACTIONS &amp; REPORTER</b>
Jason Guignard, who normally does the Fishery Report, would like to become an Alternate Committee Member. We will discuss this matter at the next meeting.	<i>Ed Ayers</i>
<b>K. WILDLIFE ENFORCEMENT REPORT</b>	<b>ACTIONS &amp; REPORTER</b>
In this County specifically, the most activity right now is just on the rivers, especially since they have gone down, and we have had a pretty good run at people taking trout, on the upper Stanislaus and Tuolumne – quite a few, and it coincided with high water. A high number of tickets were issued during the last several weeks.	<i>Ed Ayers Darren Walthers</i>
<b>L. WOOD DUCK REPORT</b>	<b>ACTIONS &amp; REPORTER</b>
Bob Bashaw saw two (2) hens with several ducklings each, who nested naturally.	<i>Ed Ayers Bob Bashaw</i>
<b>M. OLD BUSINESS AND COMMITTEE COMMENTS</b>	<b>ACTIONS &amp; REPORTER</b>
Beginning in January, 2019, monies have been received by the Fish & Wildlife Committee, from the Stanislaus Wildlife Care Center, marked "Donation." The total amount of \$125.00 has been received to date. We will discuss this matter at our next meeting and find out why the monies are being deposited into the Fish & Wildlife Committee account.	<i>Ed Ayers</i>
<b>N. ADJOURNMENT &amp; NEXT MEETING</b>	<b>ACTIONS &amp; REPORTER</b>
<p>There being no further business, Jim Atherstone motioned to adjourn the meeting and Bob Bashaw seconded the motion. The meeting was adjourned at 5:23 p.m. The next regular meeting of the Fish and Wildlife Committee will be held on:</p> <p style="text-align: center;"><b>Thursday, October 24, 2019 at 4:00 p.m.</b>  <b>Conference Room, 2<sup>nd</sup> Floor - Stanislaus Bldg.</b>            3800 Cornucopia Way, Modesto, CA 95358</p>	<i>Ed Ayers Jim Atherstone Bob Bashaw</i>

Prepared By: William Shirley & Dianne Parkinson, Fish & Wildlife Secretaries 209-525-6770

Agendas can also be found online at subject to staff's ability to post prior to the meeting. Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours at the main office of the Department of Parks and Recreation, 3800 Cornucopia Way, Suite C, Modesto, CA 95358.



**Commissioners**  
**Eric Sklar**, President  
Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
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**Samantha Murray**, Member  
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STATE OF CALIFORNIA  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
Since 1870

**Melissa Miller-Henson**  
**Acting Executive Director**  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
fgc@fgc.ca.gov  
www.fgc.ca.gov

This is to provide you with a copy of the notice of proposed regulatory action relative to amending sections 27.60, 28.60, 163, 163.1, 163.5, 164 and 705; adding Section 28.62; adding Article 6, sections 55.00, 55.01 and 55.02, Title 14, California Code of Regulations, relating to the California Pacific Herring Fishery Management Plan implementing regulations which will be published in the California Regulatory Notice Register on July 19, 2019.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/>.

**Andrew Weltz, Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Weltz can be reached at (707) 576-2896 or by email at [Andrew.Weltz@wildlife.ca.gov](mailto:Andrew.Weltz@wildlife.ca.gov).**

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment





## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 7071, 7078, 8032.5, 8389, 8550 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 205, 210, 255, 7071, 7078, 7120, 7178, 8032.5, 8033 and 8587.1 of said Code, proposes to amend sections 27.60, 28.60, 163, 163.1, 163.5, 164 and 705; and add sections 28.62; add Article 6, sections 55.00, 55.01 and 55.02; Title 14, California Code of Regulations, relating to the California Pacific Herring Fishery Management Plan implementing regulations.

### **Informative Digest/Policy Statement Overview**

The purpose of these proposed amendments to regulations is the implementation of the *California Pacific Herring Fishery Management Plan* (Herring FMP). This Fishery Management Plan (FMP) has been produced pursuant to the Marine Life Management Act (MLMA). The amendments are further necessary to improve management of the existing commercial and recreational Pacific Herring fisheries and to support the orderly use of this natural resource.

Regulations pertaining to California's herring fisheries are currently in multiple sections of Title 14 of the California Code of Regulations (CCR). Section 163 regulates the commercial harvest of herring. Section 163.1 regulates the transfer of herring permits. Section 163.5 stipulates penalties and Section 164 regulates the harvesting of herring eggs. The recreational fishery is not regulated.

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State (Fish and Game Code (FGC) Section 7050(b)). To achieve this goal, the MLMA of 1999 (FGC sections 7050-7090) contemplates the use of FMPs developed by the Department of Fish and Wildlife (Department) and adopted by the Fish and Game Commission (Commission) (FGC sections 7072, 7075 and 7078) to guide fishery management. FGC subsection 7071(b) also provides authority for the Commission to adopt regulations that implement an FMP or plan amendment.

In accordance with these provisions, the Department has developed a Draft Herring FMP to ensure the long-term sustainability of the resource and the fisheries that rely on it. The Herring FMP includes a proposed overhaul of the limited entry permit system, a Harvest Control Rule (HCR) for the San Francisco Bay fishery, a tiered management framework for setting quotas in all areas, collaborative research protocols, and a proposed daily bag limit for the recreational fishery. Along with the Herring FMP, the Department has also prepared proposed implementing regulations that create new recreational restrictions and deletes or amends existing commercial requirements.

The proposed regulations are divided into four parts: 1) new recreational fishing regulations, 2) regulations to implement the Herring FMP, 3) amendments and additions to the commercial fishing regulations, and 4) provision of forms and fees. The following is a summary of the proposed changes to Title 14, CCR:

1. Add new recreational herring regulations to Section 28.62, Title 14, CCR, and amend existing regulations in sections 27.60 and 28.60, Title 14, CCR. The proposed regulations will:
  - Establish a bag limit within the range of zero to ten (0-10) gallons, which is approximately 0 to 100 pounds, or 0-520 fish. The Department is recommending a daily bag limit of five (5) gallons.
  - Remove "Pacific Herring" from the list of species with no recreational bag limit.
  - Clarify the species (Pacific Herring) in the existing bag limit on recreational take of herring eggs on kelp.



2. Add Article 6 of Chapter 5.5 of Subdivision 1 of Title 14, CCR; California Pacific Herring Fishery Management Plan, and add new Sections 55.00, 55.01, and 55.02. The proposed new sections will:
  - Describe the purpose and scope of the Herring FMP;
  - Provide relevant definitions used in the Herring FMP;
  - Describe the management process and HCR.
  
3. Delete and redraft all existing commercial regulatory language and associated subsections in sections 163, 163.1, 163.5, and 164 Title 14, CCR.
  - The new language in Section 163 includes all regulations related to permits (both herring and herring eggs on kelp (HEOK)), including permit transfers and revocation conditions.
    - A continued requirement that herring or HEOK taken in excess of the quota be released to the Department using the Release of Property Form FG-MR 674.
  - The new language in Section 163.1 describes methods of commercial take for herring, and
  - Section 163.5 provides regulations for the Herring Buyer's Permit.
  - Section 164 is amended regarding the landing of HEOK, with a new requirement that anyone receiving HEOK must have a Herring Buyer's Permit.
    - The royalty fee of \$500 per ton of herring eggs on kelp will no longer be required.
    - The Herring-Eggs-on-Kelp Monthly Landings and Royalty Report (DFW 143 HR (REV. 06/04/15)), will be repealed and no longer required.
    - Authorized Agent form MRD 164 is repealed, however, agents may be designated on form 1406 Herring Eggs on Kelp Application.
  
4. Amend Section 705 Commercial Fishing Applications, Permits, Tags, and Fees. Because of the adoption of the Herring FMP, and the adoption of the amendments to the herring fishery regulations as described herein, it is necessary to amend the forms, provide fees to recover reasonable Department costs, and to make the forms consistent with current regulations. The following forms, to be Incorporated by Reference, are attached to the Regulatory Text:
  - DFW 327 (New 4/11/19) 2019-2020 HERRING BUYER'S PERMIT APPLICATION
  - FG-329 Herring Fresh Fish Market Permit is deleted
  - DFW 1406 (New 4/11/19) HERRING-EGGS-ON-KELP PERMIT APPLICATION
  - DFW 1322-2 (New 4/11/19) SEASON REQUEST FOR CHANGES TO HERRING PERMITS: BOAT TRANSFER & SIMULTANEOUS FISHING
  - DFW 1377 (New 4/11/19) COMMERCIAL HERRING PERMIT WORKSHEET
    - A new drawing fee of \$4.50 for Applications for New Herring Permits

These proposed regulations were drafted to achieve the sustainability and social policy objectives enumerated in FGC sections 7050, 7055, and 7056. The amended sections would not conflict with any existing Title 14 regulations. In accordance with FGC Section 7071(b), the implementing regulations of this Herring FMP will render the following sections of the FGC inoperative once they are adopted: FGC sections 8389, 8550, 8550.5, 8552, 8552.2, 8552.3, 8552.4, 8552.5, 8552.6, 8552.7, 8552.8, 8553, 8554, 8556, 8557, 8558, 8558.1, 8558.2, 8558.3, and 8559.

#### Benefit of the Regulations

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the State. To achieve this goal, the MLMA contemplates the use of FMPs developed by the Department and adopted by the Commission to guide fishery management. The Commission may adopt regulations that implement the FMP.



## Consistency with State Regulations

The Commission and Department have conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the herring fishery.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Thursday, August 8, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Rincon Government Center, One Government Center Lane, Valley Center, California, on Thursday, October 10, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 26, 2019 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). All comments (both oral and written) must be received no later than October 10, 2019, at the hearing in Valley Center, California. If you would like copies of any modifications to this proposal, please include your name and mailing address. **Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.**

## Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sheri Tiemann at the preceding address or phone number. **Andrew Weltz, Environmental Scientist, Department of Fish and Wildlife, (707) 576-2896 or [Andrew.Weltz@wildlife.ca.gov](mailto:Andrew.Weltz@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

## Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.



## Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, 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. Individuals and businesses will not incur any increase in compliance costs. The decrease in the fleet size may result in more profitable catch per unit effort for individuals. However, harvest volume and fishing intensity will continue to be highly influenced by market prices and many other factors unrelated to Commission regulations.
- (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 action is not anticipated to impact 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 proposed regulations will not impose new compliance costs or adversely impact fishing activity in the state.  
  
The proposed action is not anticipated to benefit the health and welfare of California residents or worker safety, but benefits to the State's environment are anticipated through the improved management of herring resources.
- (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.

### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: July 9, 2019

Melissa Miller-Henson  
Acting Executive Director



**Commissioners**

**Eric Sklar**, President  
Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
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**Samantha Murray**, Member  
Del Mar

STATE OF CALIFORNIA  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
Since 1870

**Melissa Miller-Henson**  
**Acting Executive Director**  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
fgc@fgc.ca.gov  
www.fgc.ca.gov



August 7, 2019

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list an evolutionarily significant unit (ESU) of mountain lions (*Puma concolor*) in southern and central coastal California as threatened or endangered under the California Endangered Species Act. The notice was published in the California Regulatory Notice Register on July 26, 2019.

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment

**Commissioners**

**Eric Sklar**, President  
Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
Jamul

**Samantha Murray**, Member  
Del Mar

STATE OF CALIFORNIA  
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## Fish and Game Commission



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Since 1870

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Acting Executive Director  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
fgc@fgc.ca.gov  
www.fgc.ca.gov



### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on June 25, 2019, received a petition from the Center for Biological Diversity and the Mountain Lion Foundation to list an evolutionarily significant unit (ESU) of mountain lions (*Puma concolor*) in southern and central coastal California as threatened or endangered under the California Endangered Species Act.

Mountain lions require large areas of relatively undisturbed habitats with adequate connectivity to allow for dispersal and gene flow. They have large home ranges which often consist of a mix of habitat types including coniferous forests, riparian and oak woodlands, streams, chaparral, grasslands, and desert.

Pursuant to Section 2073 of Fish and Game Code, on July 5, 2019, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its August 7-8, 2019, meeting in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its October 9-10, 2019, meeting in San Diego County.

Interested parties may contact Ms. Esther Burkett, California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090 or email [Esther.Burkett@wildlife.ca.gov](mailto:Esther.Burkett@wildlife.ca.gov), or telephone (916) 445-3764 for information on the petition or to submit information to the Department relating to the petitioned species. Submission of information via email is preferred.

July 16, 2019

Fish and Game Commission

Melissa Miller-Henson  
Acting Executive Director



**Commissioners**

**Eric Sklar, President**

Saint Helena

**Macque Hostler-Carmesin, Vice President**

McKinleyville

**Russell E. Burns, Member**

Napa

**Peter S. Silva, Member**

Jamul

**Samantha Murray, Member**

Del Mar

STATE OF CALIFORNIA

Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation*

*Since 1870*

**Melissa Miller-Henson**  
**Acting Executive Director**

P.O. Box 944209

Sacramento, CA 94244-2090

(916) 653-4899

fgc@fgc.ca.gov

www.fgc.ca.gov



August 16, 2019

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a notice of findings to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as a candidate species as defined by Section 2068 of the Fish and Game Code. The notice will be published in the California Regulatory Notice Register on August 23, 2019.

Sincerely,

Sheri Tiemann

Associate Governmental Program Analyst

Attachment

**Commissioners**

**Eric Sklar**, President  
Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
McKinleyville

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
Jamul

**Samantha Murray**, Member  
Del Mar

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

**Melissa Miller-Henson**  
**Acting Executive Director**  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
fgc@fgc.ca.gov  
www.fgc.ca.gov

### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

San Bernardino Kangaroo Rat  
*(Dipodomys merriami parvus)*

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its August 7, 2019 meeting in Sacramento, California, accepted for consideration the petition submitted to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife's (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the San Bernardino kangaroo rat is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the August 7, 2019 Commission meeting, are on file and available for public review from Melissa Miller-Henson, Acting Executive Director, Commission, 1416 Ninth Street, Suite 1320, Sacramento, California 95814, phone (916) 653-4899.

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090, Attn: Scott Osborn, or email [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov) (include "SBKR" in subject line). Submission of information via email is preferred.

August 13, 2019

Fish and Game Commission

Melissa Miller-Henson  
Acting Executive Director



**Commissioners**  
**Eric Sklar, President**  
Saint Helena

**Jacques Hostler-Carmesin, Vice President**  
McKinleyville

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## Fish and Game Commission



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fgc@fgc.ca.gov  
www.fgc.ca.gov



August 23, 2019

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 473, Title 14, California Code of Regulations, relating to the possession on non-game animals (Nutria), published in the California Regulatory Notice Register on August 23, 2019.

Please note the date of the public hearing related to this matter and associated deadlines for receipt of written comments. Additional information and associated documents may be found on the Fish and Game Commission website at <https://fgc.ca.gov/Regulations/2019-New-and-Proposed>.

**Valerie Cook, Nutria Eradication Incident Commander, telephone at 916-654-4267 or email Valerie.Cook@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Jon D. Snellstrom  
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 4150, Fish and Game Code and to implement, interpret or make specific Section 473; Title 14, California Code of Regulations, relating to Possession of Nongame Animals: Nutria regulations.

**Informative Digest/Policy Statement Overview**

This amendment of Section 473 would ban the possession of live nutria to prevent new introductions of nutria in the state. Nutria affect the State's wildlife by damaging wetland habitats, and put waterways, water supplies, water conveyance and flood protection infrastructure, and agriculture at risk from damage through their burrowing and herbivory of aquatic vegetation. The Department has implemented a multimillion-dollar nutria eradication program, and this regulation is an integral part of this effort.

Possession of nutria is only possible under a permit issued by the Department. But the permit denial provisions in California Code of Regulations, Title 14, subsection 671.1(c)(5), sections 670 and 650 have no provisions for banning the possession of live nutria in California.

Section 473 provides exceptions to FGC 4150, allowing for the possession of legally taken non-game birds and mammals, including rodents such as nutria, but not prohibiting the possession of live nutria pursuant to a Department-issued permit. Thus, the Commission proposes an addition to subsection 473(b) stating:

"It is unlawful to possess live nutria (*Myocastor coypus*), and the Department shall not issue any permit authorizing possession of any live nutria."

**Goals and Benefits of the Regulation:**

The goal of this regulation change is to prevent the possession of live nutria in California. This regulation will benefit the Department, the State, and its resources, by reducing the potential for future, additional introductions via released or escaped nutria. Ultimately, this regulation protects California's wetlands, waterways, infrastructure, water supplies, human health and safety, and agriculture.

**Consistency with State Regulations**

The Commission and Department have conducted a review of the California Code of Regulations and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the statutory authority to amend regulations pertaining to the herring fishery.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Rincon Government Center, One Government Center Lane, Valley Center, California, on Wednesday, October 9, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard.



**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Wednesday, December 11, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before noon December 6, 2019 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). All comments (both oral and written) must be received no later than December 11, 2019, at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address. **Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.**

#### Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Jon Snellstrom at the preceding address or phone number. **Valerie Cook, Nutria Eradication Incident Commander, telephone at 916-654-4267 or email [Valerie.Cook@wildlife.ca.gov](mailto:Valerie.Cook@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Assessment

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 action is an additional component of the state's nutria eradication program that is anticipated to minimize the costly risks to infrastructure and resources that nutria pose. Reducing the potential for the spread of escaped nutria should help protect California's business activities that draw upon well-functioning wetlands, waterways, infrastructure, and water supplies, such as agriculture and associated businesses.

- (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 anticipates no impacts on the creation or elimination of jobs within the state and no impact on the creation of new businesses or the elimination of existing businesses because the proposed amendment is anticipated to aid in the preservation of existing water infrastructure with no cost to current business activities. The Commission anticipates benefits to the health and welfare of California residents by the protection of water supplies. The proposed action is not anticipated to directly affect worker safety. The Commission anticipates benefits to the State's environment by supporting strategies that further the control of invasive species.

- (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:

No new costs to the State. Additionally, the proposed action will aid in the prevention of future importations and releases, preventing loss of state agency and/or federal funding to response costs.

- (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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: August 13, 2019

David Thesell  
Program Manager

**Commissioners**

**Eric Sklar, President**

Saint Helena

**Jacque Hostler-Carmesin, Vice President**

McKinleyville

**Russell E. Burns, Member**

Napa

**Peter S. Silva, Member**

Jamul

**Samantha Murray, Member**

Del Mar

STATE OF CALIFORNIA

Gavin Newsom, Governor

## Fish and Game Commission



*Wildlife Heritage and Conservation*

*Since 1870*

**Melissa Miller-Henson**

**Acting Executive Director**

P.O. Box 944209

Sacramento, CA 94244-2090

(916) 653-4899

fgc@fgc.ca.gov

www.fgc.ca.gov



August 23, 2019

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 90 and 704, Title 14, California Code of Regulations, relating to the issuance of experimental fishing permits, published in the California Regulatory Notice Register on August 23, 2019.

Please note the date of the public hearing related to this matter and associated deadlines for receipt of written comments. Additional information and associated documents may be found on the Fish and Game Commission website at <https://fgc.ca.gov/Regulations/2019-New-and-Proposed>.

**Tom Mason, Senior Environmental Scientist (Supervisor), Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Mason can be reached by telephone at (858) 637-7100 or by email at [Tom.Mason@wildlife.ca.gov](mailto:Tom.Mason@wildlife.ca.gov).**

Sincerely,

*Craig Castleton*

Craig Castleton

Associate Governmental Program Analyst

Attachment



## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 713, 1022, and 1050 of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1022, and 1050 of said Code, proposes to add Chapter 5.6, Section 90, and add Section 704, Title 14, California Code of Regulations, relating to the issuance of experimental fishing permits.

### **Informative Digest/Policy Statement Overview**

The Department of Fish and Wildlife (Department) is proposing to add new Chapter 5.6, Experimental Fishing Permit (EFP) Program, which will contain new Section 90, Issuance of Experimental Fishing Permits, in Title 14 of the California Code of Regulations (CCR). In addition, a new Section 704, Experimental Fishing Permits; Fees and Forms is proposed to be added to Title 14, CCR, relating to fees and forms associated with issuance of EFPs.

The proposed regulations, implement, in part, Assembly Bill (AB) 1573 (also known as the California Fisheries Innovation Act of 2018) which became effective on January 1, 2019. This legislative action repealed the experimental gear permit (EGP) provisions in Section 8606, Fish and Game Code (FGC), and added new FGC Section 1022, providing for an EFP program to facilitate fishery-related exploration and experimentation to inform fishery management.

Following the repeal of FGC Section 8606, new regulations pursuant to FGC Section 1022 need to be established in Title 14, CCR, to support the continuation of an experimental box crab fishery approved by the Commission in December 2018 before the currently issued EGPs expire on March 31, 2020. The proposed regulations will ensure that current research on a potential box crab fishery can continue while a larger programmatic rulemaking can be developed to build out an EFP program pursuant to FGC 1022.

The proposed regulations will establish a new Chapter 5.6, Experimental Fishing Permit Program, containing new Section 90, Issuance of Experimental Fishing Permits; and additionally, establish new Section 704, Experimental Fishing Permits; Fees and Forms, within Title 14, CCR. The proposed regulations in Chapter 5.6, Section 90, Title 14, CCR will primarily describe the overarching strategy to establish the EFP program and provide a coherent framework in regulations to implement the EFP program.

The proposed regulations in new Section 90, Title 14, CCR will establish the process for issuing EFPs to those applicants previously approved by the Commission in 2018 to receive a box crab EGP. Specifically, Section 90 would allow for the following:

- The Commission may authorize the Department to issue experimental fishing permits to any applicant approved by the Commission in the year 2018 to receive an experimental gear permit pursuant to Fish and Game Code 8606 (repealed, 2018).
- The applicant shall submit a written request for issuance of an EFP at least 60 days prior to the expiration date of their current permit.
- No more than eight valid EFPs will be issued at any one time.
- The Commission may establish Standard Terms applicable to all fishery participants.
- The Commission may approve the adoption, amendment, or repeal of Special Conditions



unique to the experimental fishery set forth in form DFW 1085 as it deems necessary for research and the conservation and management of marine resources and the environment.

- The department shall notify a permittee at least 30 days before recommending a change to the Special Conditions of the EFP.
- Access to future permits, if a fishery is developed, is not implied by participation in the EFP program.

The proposed regulations in Section 704 will stipulate the box crab EFP fee pursuant to FGC subdivision 1022(g) that authorizes the Commission to charge a fee as necessary to fully recover, but not exceed, all reasonable implementation and administrative costs of the Department and Commission related to the EFP. The EFP permit fee will be established as \$4,487.75.

Section 704 will also incorporate by reference the Experimental Fishing Permit Terms and Conditions Form DFW 1085 (New 08/01/2019), which identifies the person(s) and vessel authorized to conduct activities under the EFP and specifies the Standard Terms and Special Conditions to which EFP permit holders will be subject.

#### Benefits of the Regulations:

It is the policy of the State to ensure the conservation, sustainable use, and, where feasible, restoration of California's marine living resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, supporting and promoting scientific research on marine ecosystems and their components to develop better information on which to base marine living resource management decisions, and managing marine living resources on the basis of the best available scientific information and other relevant information that the Commission or Department possesses or receives.

The benefit of the proposed regulations will ensure that existing box crab permit holders can continue to collect data for management and test the viability of a box crab fishery, which will inform future management strategies for this emerging fishery.

#### Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the review, approval, and issuance of experimental fishing permits that authorize commercial or recreational marine fishing activity that is otherwise prohibited by law (FGC Section 1022). No other State agency has the authority to promulgate experimental fishing permit regulations. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations for any regulations regarding the review, approval, and issuance of experimental fishing permits and has found no such regulation; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.



**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Rincon Government Center, One Government Center Lane, Valley Center, California 92082, on October 10, 2019, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 26, 2019 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). All comments (both oral and written) must be received no later than October 10, 2019, either at the Commission office or at the address given below, by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov), or at the October 10, 2019 hearing in Valley Center, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

**Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.**

#### Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Craig Castleton at the preceding address or phone number. **Tom Mason, Senior Environmental Scientist (Supervisor), Department of Fish and Wildlife, (858) 637-7100 or [Tom.Mason@wildlife.ca.gov](mailto:Tom.Mason@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Assessment

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 Business, 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.

No businesses are expected to be impacted by the proposed regulations because the regulations proposed implement a process for the Commission to authorize the Department to issue EFPs and establishes the same fee for the EFPs as was established for the EGPs. The economic impact to the state is anticipated to be unchanged with no adverse impacts to California businesses or their ability to compete with businesses in other states.

- (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 proposed regulatory action will enable the continuation of an existing experimental fishery with no change.

The Commission anticipates indirect benefits to the health and welfare of California residents. Providing opportunities for a potential box crab fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the state's environment as the EFP program would be a proactive approach to fisheries management which will ensure the protection of marine resources and foster sustainable fisheries and a healthy marine environment.

The Commission does not anticipate any benefits to worker safety because the proposed regulations would not have any impact on working conditions.

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

The proposed regulations are necessary to establish a process for the issuance of Experimental Fishing Permits to replace previously approved Experimental Gear Permits for the box crab program. The annual fee amount of \$4,487.75 is essentially unchanged from the fee for the experimental gear permits issued in December 2018. Thus, current box crab permit holders will not incur additional compliance costs associated with the proposed permit fee of \$4,487.75. Should a permit become available among the eight allowable at any one time, the new entrant would incur a new annual \$4,487.75 permit fee cost.

- (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.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: August 13, 2019

Melissa Miller-Henson  
Acting Executive Director