



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



THURSDAY, July 25, 2013

Meeting Time: 4:00 P.M.

AGENDA

Call Meeting to Order:

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:

1. No request was received.

Project Updates (Projects which received funds from the Committee):

1. Stanislaus County Parks and Recreation Fish Plants
2. Army Corps of Engineers: Kids Fun Fishing Day in May

Correspondence:

1. Notice of proposed regulatory action relative to Depredation Permit Application and Form, and Bobcat Depredation. *Fish and Game Commission, 5/7/2013.*
2. Notice of proposed regulatory action relative to practice of falconry in California. *California Department of Fish and Wildlife, 7/2/2013.*

Agenda Items:

1. Public Comment(s)
2. Approval of April 25th, 2013 Meeting Minutes
3. Wildlife Report
4. Fishery Report
5. Fine Money Status
6. Wood Duck Report
7. Great Valley Museum
8. Review and Approval of Draft Fund Procedures & Bylaws
9. Old Business
10. Committee Comments

FW Members
Cristen Langner, DFG
Steve Tsao, DFG
Phil McKay, DFG
Ed Ayers
Sandra Vanwey

Adjourn: Next meeting – Thursday, October 24th, 2013 at 4:00 p.m.

*Please notify the Department of Parks and Recreation at 525-6723 to let us know if you **will** be attending this meeting and/or require special accommodation for access or transportation to the meeting.*

Agendas can also be found online at <http://www.stancounty.com/er/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



PARKS AND RECREATION

Jami Aggers, Director
Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



MINUTES

APRIL 25, 2013 AT 4:00 P.M.

3800 CORNUCOPIA WAY, 2ND FLOOR, CONFERENCE ROOM

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

COUNTY FISH & WILDLIFE MEMBERS PRESENT:

Ed Ayers
Anthony Maxwell
Dave Doubleddee
Jim Atherstone
Red Bartley
Sandra Vanwey

STATE FISH & WILDLIFE REPRESENTATIVE:

Phil Mckay

PARKS & RECREATION STAFF PRESENT:

Mae Song

MEMBERS ABSENT:

Cody Johnsen
Don Vanwey (alt: Ken Meidl)
Ed Channing (ALT)
Ken Meidl (ALT)
Jason Guignard

GUESTS PRESENT:

Jim Peterson

A. CALL TO ORDER & INTRODUCTIONS

1. Ed Ayers called the meeting to order and those in attendance introduced themselves.

B. REQUESTS FOR FUNDS

1. The request for mileage reimbursement not to exceed \$900.00 for the 2013 California State University, Stanislaus, Wood Duck Zoology Class was approved upon motion and second. Current mileage reimbursement rate is 0.565 mi. Blue Claim forms will be submitted for actual reimbursement at the end of the class term or throughout the season.

REPORTER & ACTIONS

*Atherstone, Bartley,
unanimous approval*

*Ed Ayers for Ann
Kohlhaas*

C. CORRESPONDENCE

The Committee acknowledged the correspondences received, and suggested further action or comment be directed to the corresponding agency:

ACTIONS

1. Don Pedro Project Newsletter. *HDR Engineering, Inc./MID/TID 1/29/2013*
2. Public Comment Period Reopened for a Proposal to Remove the Valley Elderberry Longhorn Beetle from the Endangered Species List. *US Fish and Wildlife Service 1/29/2013*
3. Notice of Proposed Regulatory Action Relative to Sport Fishing Report Cards.

Fish and Game Commission 1/29/2013

4. Notice of Proposed Regulatory Action Relative to Klamath-Trinity Rivers Salmon Sport Fishing. *Fish and Game Commission 2/26/2013*
5. Notice of Proposed Regulatory Actions Relative to "Practice of Falconry." *Fish and Game Commission 2/26/2013*

D. PUBLIC COMMENTS	ACTIONS/REPORTER
No comment was received.	
E. APPROVAL OF MINUTES	ACTIONS
Minutes for the January 24, 2013, meeting was approved upon motion and second as written.	<i>Bartley, Vanwey, unanimous approval</i>
F. WILDLIFE REPORT	ACTIONS/REPORTER
An elk capture happened recently in San Luis for transfer to various other areas. The new SB 132 bill is intended to address and define the mountain lion issue of preventing an unnecessary kill.	<i>Red Bartley</i>
G. FISHERY REPORT	ACTIONS & REPORTER
The flows are up on the Stanislaus and Tuolumne for the Spring outmigration period. Salmon smolts are moving out of the rivers, but it'll be a few more months before production or survival estimates are obtained. Fish have been found trapped in the Waterford area with very few making it to the San Joaquin River.	<i>Red Bartley for Jason Guignard</i>
H. FINE MONEY STATUS	REPORTER
A \$25,000 injunction case was recently settled. \$3,000 from this case will be going to this Committee. A pollution case was also settled for \$5,000; likely half will go to the Committee, however, the divided amount is still to be determined. Three cases are currently pending. Phil has been checking in with the courts weekly on the case fines and will be meeting with the District Attorney.	<i>Phil Mckay</i>
I. WOOD DUCK REPORT	ACTIONS & REPORTER
Five groups of students have signed up this year for the Stanislaus Wildlife Wood Duck group. Students have been surveying the various ranch and park locations of wood duck boxes. Meanwhile, missing boxes were replaced. Eight boxes at the Hatch Park location were spotted with hens.	<i>Ed Ayers</i>
J. GREAT VALLEY MUSEUM	ACTIONS & REPORTER
The museum progress is still in progress and working with DSA. May is currently the anticipated move-in month at this time. Sandy has retired from Modesto Junior College but will still continue her membership.	<i>Sandra Vanwey</i>
K. DRAFT BYLAWS & FUND PROCEDURES & APPLICATION	ACTIONS & REPORTER
<ol style="list-style-type: none"> 1. With the limited incoming fine monies being less than in the past, a brief discussion was made to limit funding disbursements based on the fund balance. 2. A question, "Would you accept partial funding?" will be added to the Fund Request Application as part of the limited funding rule. 3. The Committee would like to see the expenditures and balance sheet to further discuss the limited fund restriction. Discussions were made to include a cap or limit on dispersing funds based on the balance of the fund account. 	
L. OLD/NEW BUSINESS	ACTIONS & REPORTER
The plans to coordinate a Committee barbecue get-together will be postponed for next year. This event will include locating and maintaining the quail guzzlers at Frank Raines Regional Park. Members will be working with the Department for access.	<i>Ed Ayers</i>

L. COMMITTEE COMMENTS**ACTIONS & REPORTER**

A brief discussion was made to include on the membership application the member's work address and residence address. A nominated candidate can have either their work or home address match up with the supervisorial district of the vacant member position.

Ed Ayers

M. ADJOURNMENT & NEXT MEETING

There being no further business, the meeting was adjourned upon motion and second. The next regular meeting of the Fish and Wildlife Committee will be held on:

*Atherstone, Vanwey
unanimous approval*

Thursday, July 25, 2013 at 4:00 p.m.
Conference Room, 2nd Floor
3800 Cornucopia Way, Modesto

Prepared By: Mae Song, Fish and Wildlife Secretary

209-525-6723

Agendas can also be found online at <http://www.stancounty.com/er/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 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.



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



Date

Name of Applicant
Address of Applicant

DRAFT

Dear Applicant:

Thank you for your interest and initiative in promoting fish and wildlife. We appreciate you taking the time to attend the recent Stanislaus Fish and Wildlife Committee meeting. The Committee supports projects for purposes of protection, conservation, propagation, and preservation of fish and wildlife in accordance with California Department of Fish and Wildlife. Our mission is to assist in managing California's fish, wildlife, and plant resources for their ecological values and for their use and enjoyment by the public.

- ☐ We are glad to inform you that we have agreed to fund your request in the amount of \$_____ for _____
If the approve fund amount is not fully expended by the end of the project performance period, please immediately return the remaining to Stanislaus County Fish and Wildlife at 3800 Cornucopia Way, Suite C, Modesto, CA 95358. To obtain funds, please have the vendor where you will be making your purchases send us an invoice. If you are making the purchases yourself, you will need to submit to us a claim for reimbursement. The claim form is attached for your convenience.

After completion of the project please schedule a time to provide a summary of your accomplishments to the committee. This can be done through contacting the Committee Secretary at (209) 525-6723.

Congratulations and we look forward to a successful project!

- ☐ We regret to inform you that we were unable to provide funding for your request at this time as it does not meet the requirements stated under the California Fish and Wildlife codes section 13100-13104.

We hope you will continue to consider submitting an application in the future.

We wish you well in the progress with your project.

Sincerely,

Chairperson
Stanislaus County Fish and Wildlife Committee

PURPOSE

The Stanislaus County Fish and Wildlife Committee is an ad hoc committee established by the Board of Supervisors to manage collected fine monies from the State of California Department of Fish and Wildlife. The Committee shall review and approve all fund request proposals relating to fish and wildlife matters within the jurisdiction of Stanislaus County. The Committee may provide recommendations to the Board of Supervisors and/or California of Fish and Wildlife relative to public education and fish and wildlife. Matters pertaining to fish and wildlife will be addressed according to the California Fish and Wildlife Codes.

POLICY

Available funds will support projects for purposes of protection, conservation, propagation, and preservation of fish and wildlife in accordance with the State of California Fish and Wildlife Code Section 13100-13104. The Committee retains the right to limit funding based on available funds. Individuals, agencies or organizations seeking financial support/funding from the Stanislaus County Fish and Wildlife Committee shall adhere to the following:

PROCEDURES

1. Request for fund application packet shall be submitted at least three weeks prior to any scheduled meeting.
2. A fund request application must be completed in full.
3. The application packet shall include a written cover letter signed by the authorized agency or person and printed on agency or organization letterhead.
4. Include a detailed list of items to be purchased.
5. Include a detailed itemized list of costs/fees. Estimates should include tax and delivery fees. The "total project cost" must be stated.
6. Specify the purpose of the request and its benefits (i.e. benefits to the organization/community/ students, learning tool, habitat restoration, etc.). The Committee may approve specific qualified items in accordance with the Fish and Wildlife Code. An allowable purpose must be stated on the requests for consideration.
7. Purchase requests less than \$5,000 require one written estimate from a vendor.
8. Purchase requests \$5,000 or more require written estimates from three different vendors. Single purchases above \$1,000 will be paid direct to the vendor upon invoice receipt.
9. If the funding request is in association with a special event (e.g. Fish Day, Kids Pheasant Hunt, etc.), all event specifics should be included as well (i.e. date of event, times, location, etc.). Available event flyers may also be included.
10. Prior to submitting the fund request, sections 13100-13104 of the Fish and Wildlife code shall be referenced to as a guideline. The applicant shall review and identify the code section matching their request and indicate it on the application.
11. The application request may be sent to:
Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358
12. Properly documented fund requests will be placed on the agenda for the next regularly scheduled meeting.



13. The applicant will be required to attend a Committee meeting (three weeks advance notice is required) to present their fund request proposal.
14. After the applicant's presentation, the applicant may be excused from the meeting. The Committee will review and vote on the fund request. The applicant will be sent a confirmation letter to confirm the action taken. Applicants are encouraged to submit their fund request two meetings in advance prior to their event in the case the applicant is asked to provide further information at a second meeting prior to a decision being reached. All fund request approvals must meet the requirements of sections 13100-13104 of the California Fish and Wildlife code.
15. The applicant will be required to follow-up with the Committee to report the status and progress at the following quarterly meeting or no later than one year from the fund approval date. Status includes performance period progress and whether the anticipated completion date was met. Any remaining or unused funds shall be returned to the Committee immediately. Any changes to the original application must be approved by the Committee at a regular public meeting; an exception may be made only in urgent cases through the approval of the Chair. To schedule a presentation follow-up, the applicant may contact the Fish and Wildlife Secretary at (209) 525-6723.
16. Restrictions to funding:
 - a. Fund requests which confer a private benefit upon the applicant are not eligible for funds.
 - b. Deficit financing—Payment for something already purchased or reimbursement for an event that has already taken place will not be eligible for funds.
 - c. Fund requests for commercial ventures are not eligible for funds. (Private business)
 - d. Fund requests must demonstrate and document some measurable public benefit.
 - e. Applicant from previous fund requests through this Committee or other groups that have not submitted a final report for previously awarded funds will not be eligible for funds.
 - f. No funding will be awarded for payment of administrative fees, office overhead, or other similar charges.
 - g. The Committee does not approve multi-year funding of projects. Requests must be submitted for consideration each year and, the fact that funds were awarded in one year shall not be construed as a guarantee of funding in subsequent years.
 - h. Funds are limited to funds available.
 - h.i. Funds may be available to applicants only once a year.

For questions, the Stanislaus County Department of Parks and Recreation may be contacted at (209) 525-6750.



Fund Request Application

Stanislaus County Fish and Wildlife



Applicant Name _____

Agency _____

Mailing Address _____

City, State, Zip _____

Phone _____ E-mail _____

Requesting Fund Amount \$ _____ Funds needed by _____

Project Performance Period _____

Event Name (if applicable) _____

Purpose _____

Fish and Wildlife Code(s) Met _____

Benefit _____

Detail Items to be Purchased (include cost per item, and/or attach quote(s). Additional sheets may be attached.)

Vendor to be purchased from _____

Will you accept partial funding? ☐ YES ☐ NO

This application may be fax to (209) 525-6773 or mailed to:

Stanislaus County Fish & Wildlife Committee
c/o Stanislaus County Parks and Recreation
Attn: Parks Administration
3800 Cornucopia Way, Suite C
Modesto, CA 95358

DRAFT

I have read and understand the Fund Request Procedures and agree to utilize the funds I am approved for to purchase items listed in this packet for said purposes and in accordance to California Fish and Wildlife Codes and Regulations. I understand I will follow-up with the Committee on the outcome of this fund request by attendance at a Fish and Wildlife Committee meeting within one year.

Signature: _____ Date: _____

OFFICE USE ONLY:

APPROVED FOR \$ _____ DATE: _____

Stanislaus County Fish and Wildlife Committee Bylaws

Effective: DRAFT 3/19/2013

Page 1

DRAFT

PURPOSE:

The Fish and Wildlife Committee shall review and vote to approve all fund request proposals related to fish and wildlife matters within Stanislaus County and shall provide recommendations to the Board of Supervisors and/or Department of Fish and Wildlife under the provisions set forth in the California Fish and Wildlife Code sections 13100-13104.

MEMBERSHIP:

The Fish and Wildlife Committee will consist of nine members and nine alternate members. Alternate members will attend a meeting in the absence of a Committee member. Of the nine members, there shall be appointed one resident of each of the five supervisorial districts of the county and four members appointed from the county at large. Members may live or work in the appointed district to be a representative of that district. All members of the Committee shall be residents or work within of Stanislaus County.

TERMS AND ELECTION:

The members of the Fish and Wildlife Committee shall be nominated by the chairperson of the Committee and approved by the voting members of the Committee. The chairperson of the Committee shall be elected by the Committee and will serve for a four-year term. Elections may occur ~~early~~ upon a vacancy. Alternate members may fill a vacancy in the Committee.

COMPENSATION:

All of the members of the Fish and Wildlife Committee shall serve without compensation, except that they shall be entitled to be reimbursed for mileage upon approval of the Committee.

MEETINGS:

The Fish and Wildlife Committee shall establish a time and place for regular meetings which shall be held at least once every three months. Special meetings may be held upon the call of the chairperson. The date and location of the regular meetings will be decided at the end of each calendar year. All meetings of the Committee shall be conducted in an orderly and systematic manner to permit the input of interested parties and the resolution of all matters coming before the Committee.

ATTENDANCE AND VACANCY:

The Fish and Wildlife Committee members must attend a minimum of three meetings a year. Alternate members must attend a minimum of two meetings per year. After a member fails to attend three consecutive meetings, unless excused by the Committee, membership thereon shall be automatically terminated and a successor shall be appointed by the chairperson to serve as a member. Alternate members may serve in the absence of any Committee member. Members shall inform an alternate member to attend in their place should they be unable to attend a meeting.

QUORUM:

The majority of members shall constitute a quorum for the transaction of business by the Fish and Wildlife Committee, but a lesser number may adjourn from time to time. Alternate members will stand



Stanislaus County Fish and Wildlife Committee Bylaws

Effective: DRAFT 3/19/2013

Page 2

in the place of a member in their absence to obtain a quorum. All transactions of business will be recorded and filed as permanent record of the Committee.

DRAFT

POWERS AND DUTIES:

The Fish and Wildlife Committee shall have the following powers and duties:

1. It shall have charge of promoting and communicating all matters related to fish and wildlife, including the proposing of concerns or recommendations to the board of supervisors and/or California Department of Fish and Wildlife;
2. It shall promote present and future fish and wildlife preservation in Stanislaus County including coordinating with other public authorities;
3. It shall inventory and review County fish and wildlife habitats and recommend/participate in developing/restoring the identified areas;
4. It shall have the authority to expend from the County Fish and Wildlife Fund up to \$3,000 or to not exceed three percent of the average amount received by the fund during the previous three-year period annually, whichever is greater, excluding any funds carried over from a previous fiscal year, for reasonable administrative costs pursuant to the provisions of the California Fish and Wildlife codes § 13103-j;
5. It shall adopt rules and regulations for its proceedings and for such other purposes as may be helpful in carrying on of a fish and wildlife management program under its supervision;
6. It shall have charge of approving or disapproving fund requests for the purpose of fish and wildlife preservation in accordance to the California Department of Fish and Wildlife codes § 13100 – 13104.

ALLOCATION OF GIFTS

1. Stanislaus County shall annually allocate for fish and wildlife purposes the proceeds from all gifts, legacies, or bequests received for purpose of fish and wildlife management and preservation.
2. All monies allocated to the Stanislaus Fish and Wildlife Fund 1727 shall be expended for the purpose of protection, conservation, propagation, and preservation of fish and wildlife, and for the payment of salaries of persons employed for said work. (*Section 13100-13103, California Fish and Wildlife Code*)

DIRECTOR OF PARKS AND RECREATION DUTIES

The Director of Parks and Recreation, when required by the Fish and Wildlife Committee, shall attend requested meetings of the Committee and shall make such reports to the Committee chairperson or the Board of Supervisors, as shall be required from time to time.

DISCLAIMER

The Stanislaus Fish and Wildlife Bylaws may be subject to change. A change proposition may be submitted at a Stanislaus Fish and Wildlife Committee meeting. The chairperson will approve or deny the proposal for change to be placed on the following agenda for review and approval. Upon placement on the agenda, the Committee will have the period between the current meeting and the next meeting to review and consider the proposition for adoption.



Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

May 3, 2013

BOARD OF SUPERVISORS
2013 MAY - 3 A 10:27

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 401 and 480, Title 14, California Code of Regulations, relating to Depredation Permit Application and Form, and Bobcat Depredation, which will be published in the California Regulatory Notice Register on May 3, 2013.

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

Mr. Michael Randall, Regulations Unit, Department of Fish and Wildlife, (916) 653-4678, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

**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, 202, 1050, 3960.2, 4150, 4181, and 4181.5, Fish and Game Code; proposes to Amend Section 401 and Repeal Section 480, Title 14, California Code of Regulations (CCR), relating to Depredation Permit Application and Bobcat Depredation.

Informative Digests/Policy Statement Overview

Existing law provides that depredation permits may be issued by the Department of Fish and Wildlife (department) for the purpose of protecting property being damaged by wildlife. Section 401 governs applications, issuance, and reporting requirements for depredation permits to take specific wildlife species, including bear, causing damage to property. The 2012 passage of SB 1221 (Lieu) placed limits on the use of dogs to pursue bear and bobcat, and specified additional requirements for those applicants issued a depredation permit allowing the use of dogs to pursue bear and bobcat. The commission proposes to amend Section 401 to improve the collection of depredation permit information and to make this section consistent with the new statute.

The proposed action modifies the method of application and permit issuance for take of specified depredating mammals including bobcat, and of depredating bear and bobcat taken with the use of dogs. The amendments to Section 401(a) will now require property owners to obtain permits and report the take of bobcat. Bobcat "in the act" of killing livestock can still be taken immediately, provided only that a permit is requested by the next working day. While the department doesn't expect a large number of depredation permits to be requested for bobcat, since there is no existing permit required for depredating bobcat, the demand for this permit is unknown at this time. The proposed amendments will enhance consistency with the Fish and Game Code (FGC) and allow for the collection of information regarding bobcat depredation throughout the state.

The depredation form currently specified in subsection 401(c) as Form FG WPB 543 (new 5/05) is out of date and available only on paper. Rather than requiring use of a specific form, the commission proposes to amend subsection 401(c) to allow the department to collect information needed from the applicant for the purpose of determining the necessity of the permit. A form will no longer be specified within the regulations thereby giving the department flexibility to adequately analyze applicant information and allow the department to issue site- and species-specific permits either electronically or on paper.

Language added to subsection 401(d)(1) will specify that steel-jawed leghold traps are prohibited in accordance with Section 3003.1 of the Fish and Game Code. Subsection 401(d)(1) will be further amended to delete the words "based upon safety considerations" in order to allow the department to consider additional factors when specifying the caliber and type of firearm and ammunition, archery equipment or crossbow used to take depredation animals. Additional factors may include effectiveness, humane treatment of wildlife, and minimizing threats to non-target wildlife.

The proposed amendment to subsection 401(f) would increase a violator's prohibition period for obtaining depredation permits from 12 to 24 months to be more consistent with the terms of probation in cases involving the illegal take of mammals.

Section 401 will be further amended to specify reporting requirements and requiring the presentation of bear skulls to the department for scientific analysis.

Section 480, Title 14, CCR, to be repealed.

Section 480 will be repealed since its provisions have either been superseded by SB1221 (Lieu, 2012) or will be replaced by the amended provisions of Section 401.

Non-monetary benefits to the public.

The commission expects that proposed amendments and additions to the regulations concerning depredation will provide a non-monetary benefit by improving the monitoring and reporting of the take of wildlife under a depredation permit. 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. The proposed amendments are needed to enhance clarity and to comply with the new statutory requirements of SB 1221 (Lieu, 2012).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at a hearing to be held in University of California Los Angeles (UCLA), De Neve Plaza Building, 351 Charles E. Young Drive – West, Los Angeles, California, on Wednesday, May 22, 2013 at 8:30 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, on all options relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1747 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013 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 June 21, 2013 to be included in the Commissioners' briefing materials, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 noon on June 25, 2013 to be delivered by staff to the meeting; or be presented to Commission staff at the meeting no later than the agenda item is heard on June 26, 2013, in Sacramento, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, 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 Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Mr. Michael Randall, Regulations Unit, Department of Fish and Wildlife, telephone (916) 653-4678, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

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 202 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 and 11346.8 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 Analysis

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.

- (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, the expansion of businesses in California, or benefits to worker safety.

The proposed changes in Section 401 and the repeal of Section 480 will not impact jobs and/or businesses in California. SB 1221(Lieu) (FGC Section 3960.2(d)) prohibits compensation of individuals involved with the depredation permit; therefore it is unlikely that any new business, or expansion, would be created.

Existing businesses, for example dog breeders and trainers, are not reliant on providing dogs solely for the take of the listed depredators, therefore any potential impact on the creation or elimination of jobs within the State is negligible.

The general provisions of amended Section 401 provide for a means to control animals causing damage or destroying, or immediately threatening to damage or destroy land or property. These sections in turn may benefit the health and welfare of California residents by clarifying conditions under which depredating animals may be taken.

The Commission anticipates benefits to the environment by identifying non-lethal methods prior to the issuance of a depredation permit, preventative measures to avoid depredation in the future, and improved reporting of take following issuance of a permit.

(c) Cost Impacts on Private Persons:

The Fish and Game Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action. There is no cost or fee collected by the department for the permit. Additional effort may be associated with the reporting requirements of SB 1221 (Lieu), but these costs are expected to be minor.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Other 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

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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: April 23, 2013

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

[Notice published June 14, 2013]

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

PUBLIC HEARING

The Department will hold a public hearing meeting on July 30, 2013, from 1:30-3:30 p.m., at the Resources Building located at 1416 9th Street, Sacramento, California, in the first floor auditorium. The auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at the office below not later than 5:00 p.m. on July 30, 2013. All written comments must include the true name and mailing address of the commenter.

Written comments may be submitted by mail, fax, or e-mail as follows:

Department of Fish and Wildlife
Mike Randall
1416 9th Street, Room 1208
Sacramento, CA 95814
Fax: (916) 653-9890
E-mail: mike.randall@wildlife.ca.gov

AUTHORITY

Fish and Game Code sections 395, 396, 713, 1002, 1050, 1053, 2118, 2120, 2122, 2150, 2150.2 and 2157 authorize the Department to adopt these proposed regulations.

REFERENCE

The proposed regulations implement, interpret, and make specific sections 355, 356, 395, 396, 398, 713, 1050, 1053, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3031, 3503, 3503.5, 3511, 3513, 3950, 10500, 12000 and 12002 of the Fish and Game Code.

Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background:

The Department of Fish and Wildlife (Department) and the Fish and Game Commission (Commission) are in the process of promulgating new regulations for the practice of falconry in California. In order to comply with federal requirements, the Commission adopted new regulations for the practice of falconry in the state on March 6, 2013, in Section 670, Title 14, CCR. The regulations currently proposed by the Department in Section 703 provide for the establishment of falconry fees and forms in accordance with the new provisions of Section 670. The effective date for the new regulations in both sections 670 and 703 is January 1, 2014.

The actions proposed will allow the Department to recover its costs for licensing, permitting and inspection activities associated with the practice of falconry in California. The action will increase the workload and costs to the Department; however these costs will be borne by the permit holders. Pursuant to sections 1050 and 2150.2 of the Fish and Game Code, the Department has set forth in Section 703 fees for permits, permit applications and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing the falconry regulations in Section 670.

Additionally, in accordance with Section 700.4, Title 14, CCR, all licenses, tags, permits, reservations or other entitlements purchased via the Automated License Data System (ALDS) shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing that license, tag, permit, reservation or other entitlement. The total cost including ALDS will appear on the relevant form.

Proposed Amendments To Section 703:

The Department is proposing to amend Section 703, Title 14, CCR, by adding a new subsection 703(b)(1) to provide falconry fees, forms and permits, in accordance with Section 670 which establishes a State falconry permitting program. The effective date for the new regulations in Section 703 is January 1, 2014 simultaneous with Section 670. The proposed regulatory changes are needed to allow the Department to recover its costs in implementing a falconry program in California.

The following is a summary of the fees proposed in Section 703(b)(1):

703(b)(1)(A) 2013-2014 Falconry Fees	New Fee (Eff. 1/1/14)
1. License Application	\$ 13.75
2. Examination	\$ 50.00
3. Inspection Fee for 1 to 5 enclosures	\$ 259.00
Each enclosure over 5	\$ 12.75
4. Re-inspection	\$ 216.00
5. Data Entry of Federal Form 3-186A	\$ 12.75
6. Special Raptor Capture Drawing Application	\$ 7.50
7. Special Raptor Capture Permit	\$ 12.75
8. Nonresident Falconer Raptor Capture Permit	\$ 319.00

The forms are proposed to be incorporated by reference in Section 703(b)(1):

703(b)(1) Forms	New Form (date)
(B) Falconry License Renewal Application	FG 360 (New 2/13)
(C) New Falconry License Application	FG 360b (New 2/13)
(D) Apprentice Falconer's Annual Progress Report	FG 360c (New 2/13)
(E) Raptor Facilities and Falconry Equipment Inspection Report	FG 360d (New 2/13)
(F) Resident Falconer Raptor Capture Recapture and Release Report	FG 360f (New 2/13)
(G) Falconry Hunting Take Report	FG 360h (New 2/13)
(H) Special Raptor Capture Drawing Application	FG 360i (New 2/13)
(I) Nonresident Falconer Application for Raptor Capture Permit	FG 361 (New 2/13)
(J) Nonresident Falconer Raptor Capture Permit and Report	FG 361a (New 2/13)

Benefits of the proposed regulation:

Regulations for the practice of falconry in California are contained in Title 14, CCR, Section 670. Under these regulations, the Department issues licenses and permits, inspects facilities, and monitors falconry activities. The new provisions of Section 703 set forth the necessary fees and forms in accordance with Section 670. The benefits of the proposed regulations are concurrence with Federal law, and sustainable management of the State's raptor populations while continuing to provide recreational opportunity. Fees proposed under Section 703 will ensure that adequate funding is available for the Department to continue issuing licenses, inspecting falconry facilities, and monitoring the capture and disposition of wild raptors for the practice of falconry.

Consistency with existing regulations:

The Fish and Game Commission adopted new regulations for falconry on March 6, 2013, in Section 670, Title 14, CCR. The new regulations were developed to meet federal requirements of the U.S. Fish and Wildlife Service as outlined in 50 CFR 21.29 and 21.30. The Department conducted a search of the CCR and the proposed regulations are neither inconsistent nor incompatible with existing State regulations related to the practice of falconry. The proposed regulations are compatible with existing federal falconry regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION:

Mandate on local agencies or school districts: None

Costs or savings to any state agency: The fees established by the Department are in an amount sufficient to recover all reasonable administrative and implementation costs relating to the falconry program.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: There are no related costs or savings in Federal Funding to the State.

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 affect a relatively small number of individuals engaged in the practice of falconry in California, primarily for recreation. The Department anticipates that the proposed regulations will affect very few, if any, businesses that rely on raptors. Therefore 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. Considering the small number of permits issued over the entire state, this proposal is economically neutral to business.

Effect on small business: The Department concludes that the proposed regulations are unlikely to affect small business. The proposed action will affect a relatively small number of individuals engaged in the practice of falconry in California, primarily for recreation. The Department anticipates that the proposed regulations will affect very few, if any, businesses that rely on raptors.

Cost impacts on a representative private person or business: There will be costs to private persons (e.g. falconers) who are among the 575 current licensees, and new applicants, who must comply with this proposed regulation. However, generally, the new fees are not charged annually but are charged one-time dependent on the service extended by the state. Those one time fees, listed as 1-3, are: initial License Application, \$13.75; Examination, \$50.00; and initial Inspection, \$259.00 (and \$12.75 for addition enclosures); totaling \$322.75. The re-inspection fee, 4, is only charged when there is a failed inspection. The other fees, listed as 5-8, are charged based on the falconer's request for the service.

The fees established by the Department are in an amount sufficient to recover all reasonable administrative and implementation costs relating to the falconry program.

Significant effect on housing costs: None

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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:

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety.

Benefits of the regulation to the health and welfare of California residents, and the state's environment:

The Department expects that the proposed regulations concerning falconry fees and permits will provide non-monetary benefits to the environment and to the health and welfare of California residents by improving the monitoring and reporting of raptor captures and the take of wildlife under a falconry permit. It is the policy of this state to encourage the conservation, maintenance, and utilization of existing raptor populations for their ecological values and for their use and enjoyment by the public. Adoption of a self-supporting falconry program in California, including raptor species harvest quotas and inspection of raptor housing facilities, supports preservation of sustainable raptor populations for their continued existence in California.

The Department does not anticipate benefits to 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.

CONSIDERATION OF ALTERNATIVES:

The intent of the proposed regulation is to implement new Department fees and forms in accordance with the Commission's newly adopted falconry regulations in Section 670. The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective as 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.

MITIGATION MEASURES REQUIRED BY REGULATORY ACTION:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

BOARD OF SUPERVISORS

CONTACT PERSONS

2013 JUN 17 A 11:41

Mike Randall
1416 9th Street
Sacramento, CA 95814

Telephone: (916) 653-4678
Fax: (916) 653-9890
E-mail: mike.randall@wildlife.ca.gov

The backup contact person is:

Craig Martz
1416 9th Street
Sacramento, CA 95814

Telephone: (916) 653-4674
Fax: (916) 653-9890
E-mail: craig.martz@wildlife.ca.gov

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE:

The Department will have the entire rulemaking file available for inspection and copying at its office at 1416 9th Street, Sacramento. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the proposed Falconry Forms, the Economic Impact Analysis, the Economic and Fiscal Impact Assessment (STD. Form 399) and the Initial Statement of Reasons. Please direct requests for copies of the rulemaking file to Mike Randall as indicated above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET:

Website Access: The entire rulemaking file can be found at:
www.dfg.ca.gov/news/pubnotice

AVAILABILITY OF CHANGED OR MODIFIED TEXT:

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mike Randall as indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS:

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mike Randall as indicated above.