



STANISLAUS COUNTY FISH AND WILDLIFE COMMITTEE

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



THURSDAY, July 24, 2014

Meeting Time: 4:00 P.M.

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:

1. Approval of fund request from East Stanislaus Resource Conservation District in the amount NTE \$1,400 for their 5th Annual Stanislaus River Salmon Festival on November 8th, 2014.
2. Approval of fund request from the Department of Biological Science at California State University, Stanislaus, in the amount NTE \$1,200 for the Wood Duck Study Program Student Mileage Reimbursements.
3. Approval of fund request from the Stanislaus Wildlife Care Center in the amount NTE \$3,300 partial funding to purchase a Songbird Display Aviary replacement.

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

1. No updates.

Correspondence:

1. Notice of proposed regulatory action relative to amending Title 14, California Code of Regulations, relating to waterfowl regulations for the 2014-2015 seasons. *California Fish and Game Commission, BOS 5/20/2014.*
2. Notice of proposed regulatory action relative to amending Title 14, California Code of Regulations, relating to the prohibition of the use of tiger salamanders as bait. *California Fish and Game Commission, BOS 7/1/2014.*
3. Notice of proposed regulatory action relative to amending Title 14, California Code of Regulations, relating to take of rare plants. *California Fish and Game Commission, BOS 7/1/2014.*

Agenda Items:

- | | |
|--|----------------------|
| 1. Public Comment(s) | |
| 2. Approval of January 23, 2014, April 24, 2014, and May 1, 2014 Meeting Minutes
(There was no quorum in April. A special meeting was held in May.) | FW Members |
| 3. Wildlife Management Report | Cristen Langner, DFG |
| 4. Fishery Report | Steve Tsao, DFG |
| 5. Wildlife Enforcement Report | Phil McKay, DFG |
| 6. Wood Duck Report | Ed Ayers |
| 7. Old Business | |
| 8. Committee Comments | |

Adjourn: Next meeting – Thursday, October 23, 2014 at 4:00 p.m. (Please notify the Department of Parks and Recreation at 525-6770 to let us know if you will be attending this meeting and/or require special accommodation for the meeting.)

1. Add to October Agenda under Project Updates: U.S. Army Corp of Engineers, Funded NTE \$2,000 to purchase fish for their Kids Fishing Fun Day on Saturday, May 3, 2014.

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

Merry Mayhew, Asst. Director

Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



MINUTES

JANUARY 23, 2014 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
Red Bartley
Ken Meidl
Cody Johnsen
Ed Channing (ALT)
Jim Atherstone – tele conference
Jason Guignard

STATE FISH & WILDLIFE REPRESENTATIVE:

Phil McKay

PARKS & RECREATION STAFF PRESENT:

Mae Song
Cathy Amaral Winchester - DER

MEMBERS ABSENT:

Don Vanwey (ALT)
Dave Doubledde
Sandra Vanwey
Anthony Maxwell

Joe Mello

GUESTS PRESENT:

Bill Amundsen-Audubon Society

A. CALL TO ORDER & INTRODUCTIONS

1. Red Bartley called the meeting to order and those in attendance introduced themselves.

B. REQUESTS FOR FUNDS/PROJECT UPDATES

1. There was no request for funds received

REPORTER & ACTIONS

Ed Ayers

C. CORRESPONDENCE

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

ACTIONS

1. Notice of proposed changes in regulations relative to Enhancement on Private Lands Management. *California Fish and Game Commission, 11/5/13.*
2. Notice of Public Review Period and Additional Public Meeting for the Draft Environmental Impact Report Regarding the Proposed Salmon Conservation and Research Facility. *State of California – Natural Resources Agency – Department of Fish and Wildlife, 11/12/13*
3. Notice of Draft License Application filed with FERC. *Don Pedro Newsletter,*

12/3/13.

4. Notice of proposal to list the Western Yellow-Billed Cuckoo as a Threatened Species. *U.S. Fish and Wildlife Service, 1/6/14.*
5. Notice of Findings regarding the Townsend's big-eared bat, *California Fish and Game Commission, 1/6/14.*
6. Notice Environmental Assessment for Nonessential Experimental Population Designation and Take Provisions for Reintroduction of Central Valley Spring-run Chinook Salmon, *US Dept. of Commerce 1/14/14.*
7. AB 1234 – Local Agencies: Mandatory Ethics Training, The training is mandatory every 2 years for members who receive any reimbursement from Stanislaus County. The County is offering a free training on 3/5/14 @ 6:30-8:30 pm at the CEO Board of Supervisors Basement Chambers. *Stanislaus County Counsel*

D. PUBLIC COMMENTS**ACTIONS/REPORTER**

No comment was received.

E. APPROVAL OF MINUTES**ACTIONS**

Minutes for the October 24, 2013, meeting were approved.

*Red Bartley, Cody Johnson, unanimous approval***G. WILDLIFE REPORT****ACTIONS/REPORTER**

1. People have been shooting elk in the Los Banos area. There were four elk shot and killed but not recovered.

*Phil McKay***H. FISHERY REPORT****ACTIONS & REPORTER**

1. The Fall Report: 5,400 fish, Tuolumne had 3,700 fish. No count on Merced but is at capacity (2.4 million eggs). Fish are not moving in the rivers. They are seeing fry movement out of the stand. There are blockages due to hessian (water plants). In 2012 the Salmon count was 42,000 – 4% made it out of the river.
2. There is no information in regards to sturgeon at the Laird Park area - starts in March. The Feds are doing studies regarding the eggs found below the Tuolumne.

*Phil McKay***I. WILDLIFE ENFORCEMENT REPORT****REPORTER**

1. The squad (7 people) 750 cases. No fine money coming through on the reports. Running more details on Fish and Wildlife violations.
2. There are two new pollution cases and most have been settled. There is some money coming in.
3. Reviewed funding balance report. Ending balance \$26,104.25. It was recommended to contact Merry Rorabaugh, or Arlene, in regards to the budget.
4. Information in regards to hunting and fishing bags limit forms from counties was passed out to group.

*Phil McKay**Ed Ayers*

J. WOOD DUCK REPORT	ACTIONS & REPORTER
<p>1. Ann Coolhouse from Stanislaus State University is working with the group to get the students working on the Wood Duck Nesting Project. She has 17 people signed up. Their first meeting is the first week of February. We may go with CWA in the future. We have 200-300 boxes in Stanislaus County.</p> <p>Bloms: 2013- E/L 237 E/H 184 2012- E/L 478 E/H 338 Saso: 2013- E/L 262 E/H 203 2012- E/L 271 E/H 214 Hatfield 2013- E/L 216 E/H 151 2012- E/L 198 E/H 149 Lynch: 2013- E/L 285 E/H 154 2012- E/L 457 E/H 257 Trammel 2013-E/L 170 E/H 104 2012-E/L 236 E/H 131 Severson 2013-E/L 14 E/H 14 Total 2013 E/L 1184 E/H 810 2012 -E/L 97 E/H 46 2012 E/L 1654 E/H 1135</p> <p>There is 100 boxes which are stored on a ranch and will be relocated.</p>	<p><i>Ed Channing</i></p>
K. GREAT VALLEY MUSEUM	ACTIONS & REPORTER
<p>The contractor has the exhibits finished. They may be ready in April 2014 (approx).</p>	<p><i>Ken Meidl</i></p>
L. OLD BUSINESS	ACTIONS & REPORTER
<p>1. The group was asked to read the new bylaws. They are posted on the website.</p>	<p><i>Ed Ayers</i></p>
M. COMMITTEE COMMENTS	ACTIONS & REPORTER
<p>1. There is a Fish and Wildlife Committee in Glenn County looking to get participation in present laws and to see if other groups would like to participate in letters to congressmen. He has not heard back from them.</p> <p>2. Mileage to students for wood duck project- May be an action item for next meeting. They are looking for volunteers and will reimburse at the County rate. Mae Song gave the group a copy of how to complete the blue reimbursement form and to submit prior to meetings.</p> <p>3. The question was asked if anyone knew of any persons who might be interested in being an alternate in Area 5. Ed may know of someone.</p> <p>4. Bill Amundsen, a guest, shared with the group. His group, Audubon Society, has about 300 members in Stanislaus and Merced Counties. The group is active in the Wilms Project (splitting of the land/ hobby farms), leads public tours, count birds, watch birds and The Waterford Trail.</p>	<p><i>Red Bartley, Ed Channing</i></p>

N. ADJOURNMENT & NEXT MEETING

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

Thursday, April 24, 2014 at 4:00 p.m.
Conference Room, 2nd Floor
3800 Cornucopia Way, Modesto

Prepared By: Cathy Winchester, Environmental Resources 209-525-6770

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



PARKS AND RECREATION

Jami Aggers, Director

Merry Mayhew, Asst. Director

Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



MINUTES

APRIL 24, 2014 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
Red Bartley
Jim Atherstone

STATE FISH & WILDLIFE REPRESENTATIVE:

Phil McKay
Steve Tsao

PARKS & RECREATION STAFF PRESENT:

Cathy Amaral Winchester - DER

MEMBERS ABSENT:

Anthony Maxwell
Dave Doubledee
Don Vanwey (ALT)

Joe Mello

GUESTS PRESENT:

Bill Amundsen-Audubon Society

A. CALL TO ORDER & INTRODUCTIONS

1. Meeting was not called to order. Quorum not met
2. Ed Ayers announced that Sandra Vanway has passed away. They may be collecting for a plaque, to be placed in her honor, at the MJC museum.

Ed Ayers

B. REQUESTS FOR FUNDS/PROJECT UPDATES

The request for funds from the U.S. Army Corp of Engineers in the amount not to exceed \$2,000 to purchase fish for their *Kids Fishing Fun Day* on Saturday, May 3rd, 2014. Quorum not met.

REPORTER & ACTIONS

Ed Ayers – Quorum not met.

C. CORRESPONDENCE

1. Notice relating to Mammal Hunting Regulations. *Fish and Game Commission, 1/24/2014.*
2. Notice of proposed emergency action – Low flow closures to fishing due to drought conditions. *Fish and Game Commission, 2/10/2014.*
3. Notice of the Townsend's big-eared bat. *California Department of Fish and Wildlife, 1/24/2014.*
4. Notice under the National Policy Act (NEPA), an environmental review. *United States Department of Commerce, 3/20/2014.*

ACTIONS

No Action. Quorum not met. Tabled for next meeting.

D. PUBLIC COMMENTS	ACTIONS/REPORTER
No comment was received.	
E. APPROVAL OF MINUTES	ACTIONS
Minutes for the January 23, 2014, meeting was tabled; Quorum not met.	No Action
F. WILDLIFE REPORT	ACTIONS/REPORTER
No Report	
G. FISHERY REPORT	ACTIONS & REPORTER
<ol style="list-style-type: none"> 1. They have been trolling in Mossdale to check salmon migration into the Delta. They started the first week of April. They have handled about 439 fish. Last year at this time they handled about 1500 fish. 2. They are working with U.S. Fish and Wildlife on the sturgeon survey (both eggs and adult sampling). This year so far they have captured 15 sturgeons and tagged and released them. No eggs have been found so far. They did samplings this year at Laird Park and Sturgeon Bend due to the fact that the water is so low. They caught quite a few fish and of the 15 fish caught only one was female. 3. Fall River escapement estimate: 2845 Stanislaus, 1926 Tuolumne, 2826 Merced. Merced Hatchery has handled 1092. All rivers have increased from last year. 4. Last year they did an adult telemetry study at Mossdale using trammel nets and tracked them. They have captured 2100 fish and successfully implanted them to track. 	Steve Tsao
H. WILDLIFE ENFORCEMENT REPORT	REPORTER
<ol style="list-style-type: none"> 1. Phil McKay has been working on a lot of drought projects. They are also dealing with marijuana growers taking water from the rivers. 2. Phil McKay stated that they are getting reasonable fines coming through. Mr. McKay stated that the Funding Report provided may not show all the fine money/penalties received (approximately 9 or 10 cases). He is checking with the District Attorney's Office to see if the funds actually came in or where it went. He will report once he gets more information at the next meeting. 	Phil McKay
I. WOOD DUCK REPORT	ACTIONS & REPORTER
Ed Ayers stated that Dry Creek is completely dry. He stated that they got off to a slow start due to the rain. They had to cancel some of the kid areas due to the rain. There were only 3 or 4 areas with wood ducks. There are 7 groups this year and they are traveling approximate 238 miles each week. There will be a Funding Request/application for mileage which will be on the agenda for the next meeting.	Ed Ayers
J. GREAT VALLEY MUSEUM	ACTIONS & REPORTER
No report	

K. OLD BUSINESS

No report

ACTIONS & REPORTER**L. COMMITTEE COMMENTS****ACTIONS & REPORTER**

1. Ed Ayers stated that they may discuss Committee members at the next meeting.
2. Bill Amundsen asked the group about a possible outing at the San Joaquin Valley Fish and Refuge. He is willing to lead a tour through the refuge for the Fish and Wildlife group. The group will discuss again.

*Ed Ayers**Bill Amundsen***M. ADJOURNMENT & NEXT MEETING**

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

Thursday, July 24, 2014 at 4:00 p.m.
Conference Room, 2nd Floor
 3800 Cornucopia Way, Modesto

Prepared By: Cathy Winchester, Environmental Resources

209-525-6770

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



PARKS AND RECREATION

Jami Aggers, Director

Merry Rorabaugh, Asst. Director

Ed Ayers, Chair

3800 CORNUCOPIA WAY, SUITE C, MODESTO, CALIFORNIA 95358



SPECIAL MEETING MINUTES

TELEPHONE CONFERENCE CALL
3800 CORNUCOPIA WAY, 2ND FLOOR

MAY 1, 2014 AT 4:00 P.M.

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

COUNTY FISH & WILDLIFE MEMBERS PRESENT:

Ed Ayers
Jason Guignard
Jim Atherstone
Ken Meidl
Dave Doubledde
Cody Johnsen
Ed Channing (ALT)

STATE FISH & WILDLIFE REPRESENTATIVE:

PARKS & RECREATION STAFF PRESENT:

Mae Song

MEMBERS ABSENT:

Red Bartley
Anthony Maxwell
Don Vanwey (ALT)

GUESTS PRESENT:

A. CALL TO ORDER & INTRODUCTIONS

1. Ed Ayers called the meeting to order.

B. REQUESTS FOR FUNDS/PROJECT UPDATES

1. The request for funds from the U.S. Army Corp of Engineers in the amount not to exceed \$2,000 to purchase fish for the *Kids Fishing Fun Day* on Saturday, May 3th, 2014, was approved upon motion and second. Members were encouraged to attend.

The location of this public event will be held at 14842 Orange Blossom Rd. in Oakdale.

REPORTER & ACTIONS

*Atherstone,
Doubledde,
unanimous approval*

N. ADJOURNMENT & NEXT MEETING

The next regular meeting of the Fish and Wildlife Committee will be held on:

Thursday, July 24, 2014 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.

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

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

Fish and Game Commission of SUPERVISORS



2014 MAY 12 A 10:32

May 7, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Section 502, Title 14, California Code of Regulations, relating to Waterfowl Regulations for the 2014-2015 seasons, which are published in the California Regulatory Notice Register on May 9, 2014.

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 www.fgc.ca.gov.

Melanie Weaver, Wildlife Branch, phone (916) 445-3717, 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 sections 202 and 355; reference sections 202, 355, and 356, Fish and Game Code; proposes to Amend Sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations (CCR), relating to Waterfowl Regulations for the 2014-2015 season.

Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl. Changes are proposed for several subsections of Section 502 which are generally described below. Regarding duck season lengths and bag limits, item 3 provides notice that other framework regulations may change in 2014 when current biological information becomes available. Concerning geese, items 4, 5, and 6 require Flyway Council and Service approval to establish the final bag limits pursuant to the process described below.

The Service will consider recommendations from the Flyway Council at their meeting on July 31 and August 1, 2014. At this time, the California Waterfowl Breeding Population Survey has not been conducted and the Service has not established federal regulation "frameworks" which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public.

The Department's proposals are as follows:

1. Modify the name of the Humboldt Bay South Spit Special Management Area to Humboldt Bay South Spit (West Side).
2. Increase the possession limit for coots and moorhens to triple the daily bag limit statewide. This change will make the possession limit for coots and moorhens consistent with those for other waterfowl throughout the state.
3. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and with Oregon in the North Coast Special Management Area. See table below for season and bag limit ranges.
4. Increase the total daily bag limit for geese in the Northeastern California, Southern San Joaquin Valley, and the Balance of State zones from 10 to 25 geese per day; the Southern California Zone total daily bag limit for geese will increase from 10 to 18 geese per day.
5. Increase the total daily bag limit for white geese in the Northeastern California,

Southern San Joaquin Valley, Southern California, and Balance of State zones from 10 to 15 white geese per day; the bag limit for white geese will increase from 10 to 15 per day in the Imperial County Special Management Area.

6. Increase the total daily bag limit for dark geese from 6 to 10 dark geese per day in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones; increase the bag limit for dark geese from 3 to 4 per day in the Colorado River Zone; and increase the daily bag limit for Canada geese from 6 to 10 per day in the North Coast Special Management Area.
7. Since Special Management Areas are not a subset of Balance of State Zones (as might be implied by the present numbering of the regulation) it is recommended that the numbering of these provisions in 502(d)(5)(D) be revised. A new subsection "502(d)(6) Special Management Areas" is proposed to replace 502(d)(5)(D), with subsequent renumbering of the following subparagraphs. Other references to this subsection are also changed.

Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

Benefits of the regulations

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2014-15.

Non-monetary benefits to the public

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

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing state regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Summary of Proposed Waterfowl Hunting Regulations			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25-75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, and Dark and White Geese</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 38 & 105 days	
	Geese	Regular Season Dark geese: 100 days White geese: 73 days Late Season White geese: 32 days Whitefronts: 5 days	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	100 days	10-18/ day, which may include: 10-15 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 101 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 101 days	
	Geese	101 days	10/day, up to 10 white geese, up to 3-4 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: 100 days Late Season: 5 days (Whitefronts and white geese)	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese. Possession limit triple the daily bag.

Summary of Proposed Waterfowl Hunting Regulations, Continued			
SPECIAL MANAGEMENT AREAS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in January.	6-10/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit (West Side)	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	From Nov 7 for 30 days	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	2/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	10-15/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 9
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 107 days	

Benefits of the regulations

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2014-15.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health

and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing state regulations. No other State agency has the authority to promulgate waterfowl hunting 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 River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California, on Wednesday, June 4, 2014, 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 at the Hilton San Diego Mission Valley 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 2014, 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 July 24, 2014 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 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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 environmental considerations and 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. **Melanie Weaver, Wildlife Branch, phone (916) 445-3717, 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 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 regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (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. The proposed waterfowl regulations will set the 2014-15 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the proposed regulations for the waterfowl hunting season in 2014-15. This is based on a 2011 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

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

Sonke Mastrup
Executive Director

Dated: April 23, 2014

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Jacque Hostler-Carmesin, Member
McKinleyville

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

June 20, 2014

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 200.12, 200.29 and 200.31, Title 14, California Code of Regulations, relating to the prohibition of the use of tiger salamanders as bait, which are published in the California Regulatory Notice Register on June 20, 2014.

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 www.fgc.ca.gov.

Laura Patterson, Wildlife Branch, phone (916) 341-6981, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

2014 JUN 20 4 10 PM
BOARD OF SUPERVISORS

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 2000, 2000.5, 2001, 2013, 2120, 2121, 2122, 2270, 2270.5, 2271, 2272, 6300, 6301, 6303, 6306, 6401, 8437, 8461, 8462, 8463, 8490, 8491, 15005, 15006 and 15101, Fish and Game Code.; proposes to Amend Sections 200.12, 200.29, and 200.31, Title 14, California Code of Regulations (CCR), relating to Tiger Salamander.

Informative Digest/Policy Statement Overview

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

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

Benefits of the regulations

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

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government. The amended regulations clarify for the public that the use of waterdogs as bait is not permitted in the state.

Evaluation of incompatibility with existing regulations

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

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 2014, 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 July 24, 2014 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 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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 environmental considerations and 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. **Laura Patterson, Wildlife Branch, phone (916) 341-6981, 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. 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, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California, because the amendments merely make existing regulations in these sections consistent with the prohibited use of these animals which are listed as a restricted species subsection 671(c)(3)(C)1.

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

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

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None

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: June 10, 2014

Sonke Mastrup
Executive Director

Commissioners
Michael Sutton, President
Monterey
Jack Baylis, Vice President
Los Angeles
Jim Kellogg, Member
Discovery Bay
Richard Rogers, Member
Santa Barbara
Jacque Hostler-Carmesin, Member
McKinleyville

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

June 17, 2014

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 786.9, Title 14, California Code of Regulations, relating to take of rare plants, which will be published in the California Regulatory Notice Register on June 20, 2014.

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

Mr. Craig Martz, Regulations Unit Manager, Department of Fish and Wildlife, telephone number (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Sheri Tiemann
Associate Governmental Program Analyst

Attachment

BOARD OF SUPERVISORS
2014 JUN 23 A 10:30

**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 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1900, 1906, 1908, 1910, 1912 and 1913 of said Code, proposes to add Section 786.9, Title 14, California Code of Regulations, relating to take of rare plants.

Informative Digest/Policy Statement Overview

The California Fish and Game Commission (Commission) has not yet adopted regulations to be implemented by the California Department of Fish and Wildlife (Department) to govern the take, possession, propagation, transportation, exportation, importation, or sale of rare or endangered plants under the authority of the Native Plant Protection Act (NPPA), (Fish & Game Code subsection (a) of Section 1907). Although the Department may permit the take of threatened and endangered plants under the California Endangered Species Act (CESA) and other statutes, the Department does not have the ability to permit take, possession, propagation, transportation, exportation, importation, or sale of rare plants.

There are 64 species, subspecies and varieties of plants that have been designated as rare by the Commission. The proposed regulation will allow the Department to permit the take, possession, propagation, transportation, exportation, importation, or sale of rare plants using the same procedures and subject to the same conditions in Section 783 *et seq.*, Title 14, California Code of Regulations (CCR), relating to incidental take permits; in Section 786 *et seq.*, Title 14, CCR, relating to Voluntary Local Programs; in Fish and Game Code Section 2800 *et seq.* relating to Natural Community Conservation Plans; or in Fish and Game Code Section 2089.2 *et seq.* relating to Safe Harbor Agreements. The proposed regulation will allow the person or entity seeking the take authorization to select which one of the four programs listed above that they would like to use. The proposed regulation will also allow the Department to permit the take, possession, propagation, transportation, exportation, importation or sale of rare plants for scientific, educational or management purposes pursuant to either Fish and Game Code subsection (a) of Section 2081 or Fish and Game Code Section 1002 *et seq.* and Section 650 *et seq.*, Title 14, CCR, at the Department's discretion.

The NPPA prohibits take, possession or sale of endangered or rare native plants (Fish & Game Code Section 1908), but includes exceptions for some activities, and the proposed regulation will not change or limit those existing exceptions. The proposed regulation also includes a "grandfather" provision for plans, permits, or other agreements that may have inadvertently authorized rare plant impacts in the past, and make such authorizations effective as of the day they were approved.

The proposed regulation will promote the purpose of the NPPA and intent of the Legislature to preserve, protect and enhance endangered or rare native plants of California by allowing the Department to permit the incidental take of rare plants where the take is minimized and fully mitigated or using the other mechanisms provided in the proposed regulation that will provide for protection, enhancement, conservation or other benefits to rare plants. The proposed regulation will provide more options, more certainty and less liability for the regulated community when it comes to completing projects, because the regulation will provide a way to undertake activities that are now prohibited because they may involve take, possession, propagation, transportation, exportation, importation or sale of rare plants. The proposed regulation will ensure that there is no confusing regulatory overlap that would require obtaining different permits with different standards and requirements under CESA and the NPPA for the same activity. The Department needs the ability to write scientific, educational, or management permits for rare plants to facilitate important scientific research and important conservation and management activities to

help prevent the extinction of rare plants.

The Commission has reviewed its own regulations and finds that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR and finds no other state agency regulations pertaining to the take of rare plants. Eighteen plants that are designated by California as rare are also designated as threatened, endangered or candidates under the federal Endangered Species Act (ESA), however the proposed regulation is neither inconsistent nor incompatible with existing federal regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 2014, 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 July 24, 2014 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 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. 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 environmental considerations and 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 Sheri Tiemann at the preceding address or phone number. **Craig Martz, Regulations Unit Manager, Department of Fish and Wildlife, phone (916) 653-4674, 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. 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 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. This regulation will permit greater certainty and flexibility for business pursuits.

- (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. In situations where take of rare plants was otherwise not allowed by law, the regulation will provide a mechanism for take that was otherwise unavailable, thereby increasing certainty and flexibility for businesses in California in situations where a rare plant could be taken by a project. The proposed regulation will not require a permit or other authorization for rare plants where the take is otherwise allowed by law, and therefore will not place an additional burden on business in those situations.

The Commission anticipates benefits to the health and welfare of California residents from better protection of the State's natural resources. The Commission does not anticipate any benefits to worker safety from the proposed regulation. The Commission anticipates benefits to the environment through better regulation of the take of rare plants by the Department, and the ability of the Department to permit important research, conservation, and management actions for rare plants.

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

In some situations where rare plants are present the proposed regulation will eliminate a barrier to pursuing the highest value use of land. The permit and mitigation costs to a representative private person or business would likely be offset by the increased returns on project that would have previously been prohibited due to the presence of a rare plant. For example, if a permit were to be issued to take, possess, propagate, transport, export, import or sell rare plants for activities that are not allowed by the NPPA exemptions (Fish & Game Code subsections (b) and (c) of Section 1907, Section 1912, and Section 1913.) by the same procedures and subject to the same conditions as an incidental take permit pursuant to Fish and Game Code subsection (b) of Section 2081, applying for and complying with such a permit would mean that the representative private person or business would have to minimize and fully mitigate the take allowed by the permit, and ensure adequate funding to conduct the minimization and full mitigation. This minimization and full mitigation could involve habitat restoration, the purchase and management of compensatory habitat, or the purchase of credits from an approved mitigation bank. The costs of complying with such a permit would vary depending upon the extent of the take being permitted, the extent and quality of the habitat being removed or disturbed, and other site specific factors.

To quantify the cost to an applicant to comply with a rare plant permit issued by the Department using the same procedures and conditions as in Fish and Game Code subsection (b) of Section 2081, the Department reviewed incidental take permits that were issued by the Department for threatened and endangered plant species from 2000 to present. The Department's records for many of these permits show that a security was required or other financial information was provided. The Department's records indicate that the average security or other cost for compliance with an incidental take permit that covers at least one threatened or endangered plant species is approximately \$879,000 per permit; however many of these permits also cover animal species, so the Department assumed that each species covered by an incidental take permit contributed equally to its cost. Therefore the average cost for the threatened and endangered plant species' contribution to an incidental take permit is approximately \$531,000.

However, because a representative private person or business could continue to avoid conducting any of the activities that are currently prohibited by the NPPA, they would not necessarily incur any additional costs that may be associated with obtaining and complying with authorization to take, possess, propagate, transport, export, import or sell rare plants provided by the proposed regulation.

Since 2000 there have been an average of 4 incidental take permits issued by the Department per year that cover at least one threatened or endangered plant species. There are approximately 42 percent as many rare plants (64) as there are threatened and endangered plants (154). Applying this proportion to the average annual number of incidental take permits covering at least one threatened or endangered plant species we estimate that approximately 1.7 incidental take permits covering at least one rare plant could be issued per year. Because incidental take permits often cover multiple different species, this does not necessarily indicate that 1.7 additional permits will be issued per year.

- (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:

Sonke Mastrup
Executive Director