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

Amend Section 187
Title 14, California Code of Regulations
Re: Weight in the Round Conversion Factor for Tanner Crab

I. Date of Initial Statement of Reasons: November 15, 2005

II. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Fish and Game Code Sections 8040, 8041, and 8042 specify the requirements by which commercial fish buyers or fishermen shall pay landing tax to the Department for the sale of fish. Section 8042 further provides that if the tax is imposed based upon weight in the round, and the fish is cleaned, gutted, beheaded or otherwise not in the round at the time of delivery, the taxes shall be adjusted by a conversion factor as determined by the Department by regulation.

The Department proposes to amend Section 187, Title 14, CCR, to include a conversion factor for Tanner crab (*Chionecetes* spp.), of 161percent of the weight landed. The proposed amendment is needed for consistency with proposed commercial Tanner crab fishing regulations currently under consideration by the Fish and Game Commission (OAL Notice #Z-050-1006-02) that would authorize the commercial harvest of Tanner crab in a processed form.

The 161percent conversion factor was derived from *Recoveries and Yields from Pacific Fish and Shellfish*, Alaska Sea Grant Marine Advisory Bulletin 37, 1994. The conversion factor was also confirmed in 2005 by personal communication with Alaska Department of Fish and Game personnel involved in Alaskan Tanner crab fisheries.

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

Authority: Section 8042, Fish and Game Code.

Reference: Sections 8040, 8041, 8042 and 8051, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Crapo, C., Paust B., Babbitt, J., Recoveries and Yields from Pacific Fish and Shellfish, Marine Advisory Bulletin 37, Revision 1994, Alaska Sea Grant College Program, 33 pp.

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

None.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The landing tax for processed Tanner crab would not be adjusted for the actual round weight as authorized by Section 8042, resulting in a loss of revenue for the Department and the State of California.

(c) Consideration of Alternatives:

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

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment. Therefore, no mitigation is necessary.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, 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: None

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

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

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

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

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

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

(h) Effect on Housing Costs: None.

Informative Digest/Policy Statement Overview

Fish and Game Code Sections 8040, 8041, and 8042 specify the requirements by which commercial fish buyers or fishermen shall pay landing tax to the Department for the sale of fish. Section 8042 further provides that if the tax is imposed based upon weight in the round, and the fish is cleaned, gutted, beheaded or otherwise not in the round at the time of delivery, the taxes shall be adjusted by a conversion factor as determined by the Department by regulation.

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Regulations

Section 187, Title 14, CCR is amended to read:

§187. Weight in the Round Conversion Factors for Swordfish, Salmon, Angel Shark, Bonito Shark, ~~and Thresher Shark.~~ Thresher Shark, and Tanner Crab.
For purposes of computing the appropriate landing tax, pursuant to Sections 8042 and 8051 of the Fish and Game Code, the following weight conversion factors must be used by those persons and businesses responsible for remitting such landing taxes as required under Division 6, Part 3, Chapter 1, Article 7.5 of the Fish and Game Code.
(a) Salmon, 110% of the weight landed.
(b) Swordfish, 145% of the weight landed.
(c) Angel shark, 200% of the weight landed.
(d) Bonito shark, 145% of the weight landed.
(e) Thresher shark, 170% of the weight landed.
(f) Tanner crab (*Chionecetes* spp.), 161% of the weight landed.
NOTE:
Authority cited: Section 8042, Fish and Game Code.
Reference: Sections 8040, 8041, 8042 and 8051, Fish and Game Code.