

PROPOSED REGULATORY LANGUAGE

Section 712.5, Title 14, CCR, is hereby amended to read as follows:

§ 712.5. Declaration of Importation of Dead Fish and Wildlife Form.

~~It shall be unlawful to import any dead birds, mammals, fish, reptiles, or amphibians into this state, or to possess any imported dead birds, mammals, fish, reptiles, or amphibians within this state, unless the dead birds, mammals, fish, reptiles, or amphibians are accompanied by a completed Department of Fish and Wildlife Declaration of Importation of Dead Fish or Wildlife Form DFW 901 (New 01/01/2022), incorporated by reference herein, and a copy of the declaration is submitted to the department by mail or online prior to or at the time (within 24 hours) of entry as described on the form. This section does not apply to dead birds, mammals, fish, reptiles, or amphibians imported into this state in a shipment handled by a common carrier under a bill of lading.~~

(a) Unlawful Without Declaration of Importation. It shall be unlawful to import any dead birds, mammals, fish, reptiles, or amphibians into this state, or to possess any imported dead birds, mammals, fish, reptiles, or amphibians within this state, including state waters, unless the dead birds, mammals, fish, reptiles, or amphibians were legally taken and legally possessed outside of this state and are documented on a completed Department of Fish and Wildlife “Declaration of Importation of Dead Fish and Wildlife for Individuals” Form DFW 901a (New 01/01/2027), incorporated by reference herein; or “Declaration of Importation of Dead Fish and Wildlife for Commercial Passenger Fishing Vessel” Form DFW 901b (New 01/01/2027), incorporated by reference herein.

(1) This section does not apply to dead birds, mammals, fish, reptiles, or amphibians legally taken and legally possessed outside of this state and imported into this state in a shipment handled by a common carrier under a bill of lading.

(2) This section does not apply to dead fish legally taken and legally possessed during a fishing trip that departs from California and returns directly to California, if the fish are taken exclusively in California state waters or the United States Exclusive Economic Zone south of latitude 42°00.000’ N. Live sport-caught fish may not be imported into California without a permit issued by the department.

(b) Possession and Submission of Form by an Individual. Except as provided in subsection (c), the completed and signed Form DFW 901a shall be in possession at the time of entry into the state, including state waters, and submitted to the department using either of the following two methods:

(1) At or immediately before the time of entry, each individual possessing dead birds, mammals, fish, reptiles, or amphibians shall complete and sign Form DFW 901a electronically online, and it shall be a complete and accurate record of fish and wildlife legally taken and legally possessed outside of this state, subject to the following requirements:

(A) Submit the completed and signed electronic form online at www.wildlife.ca.gov/Enforcement/Entry-Declaration; and

(B) For 24 hours following entry into California, retain a copy of the submitted form on an electronic device and make it available for immediate review upon request by authorized law enforcement personnel.

(2) At or immediately before the time of entry, each individual possessing dead birds, mammals, fish, reptiles, or amphibians shall complete and sign Form DFW 901a on a paper copy and it shall be a complete and accurate record of fish and wildlife legally taken and legally possessed outside of this state, subject to the following requirements:

(A) Print a paper copy of the form at www.wildlife.ca.gov/Enforcement/Entry-Declaration;

(B) For 24 hours following entry into California, retain a copy of the completed and signed paper form in possession and make it available for immediate review upon request by authorized law enforcement personnel. The copy of the completed form may be a photograph stored on an electronic device; and

(C) Prior to entry, or postmarked within 24 hours of entry, submit the completed and signed paper form by mail to the Department of Fish and Wildlife, Law Enforcement Division, P.O. Box 944209, Sacramento CA 94244-2090.

(c) Possession and Submission of Form by an Operator of CPFV. The Operator of a Commercial Passenger Fishing Vessel (CPFV) licensed pursuant to Fish and Game Code Section 7920, may complete Form DFW 901b on behalf of all passengers and crew on board the vessel in lieu of each individual on board completing, signing, and submitting their own declaration. Form DFW 901b shall be a complete and accurate record of fish legally taken and legally possessed outside of this state for all individuals on board the vessel, and shall be submitted to the department using either of the following two methods:

(1) At or immediately before the time of sea crossing entry into state waters, the Operator of a CPFV shall complete and sign Form DFW 901b electronically online, subject to the following requirements:

(A) Submit the completed and signed electronic form online at www.wildlife.ca.gov/Enforcement/Entry-Declaration; and

(B) For 24 hours following entry, retain a copy of the submitted form on an electronic device and make it available for immediate review upon request by authorized law enforcement personnel.

(2) At or immediately before the time of sea crossing entry into state waters, the Operator of a CPFV shall complete and sign Form DFW 901b on a paper copy, subject to the following requirements:

(A) Print a paper copy of the form at www.wildlife.ca.gov/Enforcement/Entry-Declaration;

(B) For 24 hours following entry into California, retain a copy of the completed and signed paper form in possession and make it available for immediate review upon request by

authorized law enforcement personnel. The copy of the completed form may be a photograph stored on an electronic device; and

(C) Prior to, or postmarked within 24 hours of entry, submit the completed and signed paper form by mail to the Department of Fish and Wildlife, Law Enforcement Division, P.O. Box 944209, Sacramento CA 94244-2090.

(3) If the CPFV Operator is not in possession of a completed Form DFW 901b, each individual on board the CPFV who is not in possession of a completed Form DFW 901a may be cited for violations of this section.

(d) Signed Certification. The person completing the applicable form shall sign the Declaration of Importation certifying under penalty of perjury that the information provided is complete and accurate to the best of the signer's knowledge and belief, and that the fish and wildlife described were legally taken and legally possessed outside of this state.

NOTE: Authority cited: Section 2353, Fish and Game Code. Reference: Sections 80 and 2353, Fish and Game Code.