

STAFF SUMMARY FOR DECEMBER 12-13, 2018

17. MARINE PETITIONS FOR REGULATION CHANGE**Today's Item**Information ☐Action ☒

This is a standing agenda item for FGC to act on regulation petitions from the public that are marine in nature. For this meeting:

- (A) Action on the petition for regulation change received at the Oct 2018 meeting
- (B) Pending regulation petitions referred to FGC staff and DFW for review (none scheduled)

Summary of Previous/Future Actions

- (A)
 - Receipt of new petitions Oct 17, 2018; Fresno
 - **Today's action on petition** **Dec 12-13, 2018; Oceanside**
- (B)
 - N/A

Background

Pursuant to Section 662, Title 14, any request for FGC to adopt, amend, or repeal a regulation must be submitted on form FGC 1, "Petition to the California Fish and Game Commission for Regulation Change".. Petitions received at an FGC meeting are scheduled for consideration at the next business meeting, unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b).

A petition scheduled for consideration today under (A) was received at the Oct 2018 meeting; it was submitted by the comment deadline and published in the meeting binder.

- (A) ***Petition for regulation change***
 - I. *Petition #2018-013 (Authorized fishing hours for commercial ridgeback prawn):* Only allow trawl fishing from sunrise to sunset (Exhibit A1).
- (B) ***Pending regulation petitions***
 - I. No pending marine regulation petitions are scheduled for action at this meeting.

Significant Public Comments (N/A)**Recommendation**

- (A) ***FGC staff:*** Refer Petition #2018-013 to DFW for review and recommendation.
- (B) N/A

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Exhibits

- A1. Petition #2018-013: Authorized fishing hours for commercial ridgeback prawn, received Sep 19, 2018

Motion/Direction

- (A) Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation to refer Petition #2018-013 to the California Department of Fish and Wildlife for review and recommendation.



2018 SEP 19 PM 12:55

Tracking Number: (2018-013)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Click here to enter text. **MIKE MCCARKLE SETA**
Address: Click here to enter text
Telephone number: Click here
Email address: Click here to enter text

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Click here to enter text. **Sections 8591, 8841, & 8842 added by petitioner via email on 10/9/2018 (attached)**

3. Overview (Required) - Summarize the proposed changes to regulations: Click here to enter text. **ADD - RIDGE BACK PRAWN MAY ONLY BE TAKEN BY TRAWL FROM SUN RISE TO SUNSET AS NOTED ON MONTHLY CALENDAR**

4. Rationale (Required) - Describe the problem and the reason for the proposed change: Click here to enter text. **OVER FISHING IS TAKING PLACE BY BOATS FISHING 24 HRS. A DAY SOME TIMES UP TO 36 HRS STRAIGHT. THIS IS TAKING PLACE ON AREAS OF SMALL SHRIMP**

SECTION II: Optional Information

By day allowing daylight hrs. of fishing this could cut the effort in half, which would save a lot of small shrimp from being taken.

5. Date of Petition: Click here to enter text. **9-14-18**

6. Category of Proposed Change

- ☐ Sport Fishing
☒ Commercial Fishing
☐ Hunting
☐ Other, please specify: Click here to enter text.

SHRIMP FISHermen SUPPORT THIS CHANGE



7. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)
☒ Amend Title 14 Section(s): ADD TO CURRENT REGS.
☐ Add New Title 14 Section(s): Click here to enter text.
☐ Repeal Title 14 Section(s): Click here to enter text.
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or ☐ Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: THE SHRIMP ARE BEING OVERFISHED AND ARE NOT REACHING FULL GROWTH
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Click here to enter text.
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Click here to enter text. NONE
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
Click here to enter text.

SECTION 3: FGC Staff Only

Date received: Click here to enter text.

FGC staff action:

- ☐ Accept - complete
☐ Reject - incomplete
☐ Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- ☐ Denied by FGC
☐ Denied - same as petition _____
Tracking Number
☐ Granted for consideration of regulation change

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2018 SEP 19 PM 12:55

From: McCorkle Fishing Enterprises
Sent: Tuesday, October 9, 2018 3:50 PM
To: Ashcraft, Susan@FGC
Cc: FGC
Subject: Re: Ridgeback Prawn Petition to Fish and Game Commission

Susan,

I would like to add to our petition on Ridge back prawn the following code sections, 8591, 884`1 and 8842.

Mike Mccorkle , Southern Ca. Trawlers assn.

On 10/4/2018 7:05 PM, Ashcraft, Susan@FGC wrote:

Dear Mike,

I mentioned in my last email that I would send you a separate message regarding your recently submitted petition to limit the fishing hours for ridgeback prawn fishing from sunrise to sunset. There is some information that needs to be revised before we can accept it as complete and schedule it for receipt by the Commission at their October meeting.

In Section 1 of the petition, there is a part to fill in Authority (Part 2 of Section 1). I noticed that you identified the *regulation* section you wish to change in Title 14, CCR. However, this section requires that you identify the specific law (either in legislatively enacted code or in the state constitution) that would allow the change you request. In other words, the law that authorized the Commission to adopt regulations governing ridgeback prawn in the first place, and authorizes them to make the changes you request. You started at a good point, by looking at the existing regulations. Each regulations section includes a list of laws (or Fish and Game Code sections) that those regulations cite to for authority. You referenced Section 120.3 of Title 14 CCR. That regulation cites **Sections 710.7, 711, 713, 1050, 8591, 8841, and 8842** of the Fish and Game Code. I have provided a link to the Fish and Game Code below.

You can look up the cited sections to identify which one(s) give the Commission authority to make the change you re requesting. Or you could just stop by the Department of Fish and Wildlife office in Santa Barbara, and they have a printed book copy of the whole Fish and Game Code that you can use to review the sections I listed above to identify which apply.

If you want to try doing it online, the link for Fish and Game Code is:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=FGC>

On the right side above the list of code sections there is a drop down menu for "Code" and then you can type in the "Section" number.

Once you decide which sections you'd like to list, please send an email to FGC@fgc.ca.gov (with a cc to me) with the list, and in the email request that we add the list to Section 1 of your petition.

Thanks so much Mike, and just give me a call if you have questions or if you need assistance with completing your petition.

Best regards,

Susan

Susan Ashcraft

Marine Advisor
California Fish and Game Commission
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