

STAFF SUMMARY FOR OCTOBER 14, 2020

19B. RULEMAKING TIMETABLE UPDATES**Today's Item****Information** ☐**Action** ☒

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

Summary of Previous/Future Actions

- FGC approved changes to rulemaking timetable Aug 19-20, 2020; Webinar/Teleconference
- **Today consider approving changes to the rulemaking timetable** **Oct 14, 2020; Webinar/Teleconference**

Background

This is a standing agenda item for FGC staff and DFW to request changes to the FGC regulatory timetable, or for FGC to make changes during the course of this meeting.

DFW requests two changes to FGC's regulatory timetable (exhibits 1 and 2):

- Amend sections 360 and 363 and add Section 708.19 related to mammal hunting. The rulemaking is necessary to reinstate elk and pronghorn antelope preference points and partially refund fees paid to hunters who were unable to use their drawn tags in 2020 due to fire-related forest closures in specified areas. The rulemaking will also modify regulatory text associated with season date changes such that annual rulemakings will not be necessary to keep the language current, and will also adjust deer and pronghorn antelope tag quotas in areas where CDFW long-term datasets indicate population declines.

DFW requests that the proposed rulemaking be scheduled for a notice hearing at the Dec 2020 FGC meeting. In considering the potential discussion and adoption hearing schedule, FGC staff requests that FGC add a meeting on Jan 12, 2020 (to coincide with the WRC meeting) for the discussion hearing so that the proposed regulations can be considered for adoption at the Feb 10-11, 2020 FGC meeting. The proposed schedule will allow the regulations to be effective prior to next year's big game tag drawing.

- Amend Section 632, Marine Protected Areas, Marine Managed Areas, and Special Closures, to allow for maintenance of pre-existing artificial structures within state marine conservation areas. This rulemaking is necessary to allow for permitted maintenance and/or repair needs of artificial structures that were installed prior to marine protected area designation by the Commission.

DFW requests that the proposed rulemaking be scheduled for a notice hearing at the Feb 2021 FGC meeting, discussion at the Apr 2021 meeting, and adoption at the Jun 2021 meeting. Under Agenda Item 9 for this meeting, staff recommends that the Marine Resources Committee discuss the proposed rulemaking at its Nov 2020 meeting and develop a recommendation for FGC consideration.

Significant Public Comments (N/A)

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Recommendation

FGC staff: Adopt proposed changes to the timetable for anticipated regulatory actions (Exhibit 2), including any rulemaking changes identified during today's meeting.

Exhibits

1. [DFW memo, received Oct 6, 2020](#)
2. [Perpetual Timetable for Anticipated Regulatory Actions, dated Oct 6, 2020](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the proposed changes to the rulemaking timetable as recommended by staff and as discussed today.

Memorandum

Date: October 6, 2020 ([Received by FGC on Oct 6, 2020](#))

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham ([Signed original on file](#))
Director

Subject: **Request for Changes to the Fish and Game Commission's Timetable for Anticipated Regulatory Actions**

The Department of Fish and Wildlife (Department) requests the following schedule change to the Fish and Game Commission's (Commission's) 2020 regulatory timetable:

- Add a rulemaking to add Section 708.19 Preference Point Reinstatement and Tag Fee Refund and amend sections 360 Deer and 363 Pronghorn Antelope, Title 14, CCR. The rulemaking to add Section 708.19 is necessary to reinstate elk and pronghorn antelope preference points and partially refund fees paid to hunters who were unable to use their drawn tags in 2020 due to fire-related forest closures. The amendments to sections 360, and 363 will adjust deer and pronghorn antelope tag quotas in areas where CDFW long-term datasets indicate population declines.
 - The proposed meeting schedule is notice at the December 2020 meeting.
- Add a rulemaking to amend Section 632, Marine Protected Areas, Marine Managed Areas, and Special Closures, Title 14, CCR, to allow for maintenance of pre-existing artificial structures within State Marine Conservation Areas. This rulemaking is necessary to allow for permitted maintenance and/or repair needs of structures that were installed prior to Marine Protected Area designation by the Commission. This rulemaking is a priority to address in the near-term due to immediate maintenance and repair needs for select structures that need to be permitted prior to an emergency or threat to public health and safety.
 - The proposed meeting schedule is notice at the February 2021 meeting, discussion at the April 2021, and adoption at the June 2021 meeting.

If you have any questions or need additional information, please contact Regulations Unit Manager, Michelle Selmon at (916) 653-4674 or by email at

Melissa Miller-Henson, Executive Director
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California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

Updated October 7, 2020

Items proposed for change are shown in blue underlined font

Regulatory Change Category	Title 14 Section(s)	FGC Webinar/Teleconference Oct 14, 2020	TC Webinar/Teleconference Nov 9, 2020	MRC Webinar/Teleconference Nov 10, 2020	FGC Webinar/Teleconference Dec 9, 2020	FGC Webinar/Teleconference Dec 10, 2020	FGC Webinar/Teleconference Jan 12, 2021	WRC Webinar/Teleconference Jan 12, 2021	FGC Webinar/Teleconference Feb 10, 2021	FGC Webinar/Teleconference Feb 11, 2021	MRC Webinar/Teleconference Mar 16, 2021	TC Webinar/Teleconference Apr 13, 2021	FGC Webinar/Teleconference Apr 14, 2021	FGC Webinar/Teleconference Apr 15, 2021	FGC Webinar/Teleconference May 11, 2021	WRC Webinar/Teleconference May 11, 2021	FGC Webinar/Teleconference Jun 16, 2021	FGC Webinar/Teleconference Jun 17, 2021	MRC Sacramento Jul 20, 2021	TC Sacramento Aug 17, 2021	FGC Sacramento Aug 18, 2021	FGC Sacramento Aug 19, 2021	WRC Sacramento Sep 16, 2021
Central Valley Sport Fishing (Annual)	7.50(b)(4), (43), (66), (80)					N			D				D		A					E 8/1			
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)					N			D				D		A					E 8/1			
Waterfowl (Annual)	502					N			D				A						E 7/1				
<u>Mammal Hunting - Deer and Antelope tag adjustments, and big game license tag drawing</u>	<u>360, 363, 708.19</u>					<u>N</u>	<u>D</u>		<u>A</u>				<u>E 4/1</u>										
<u>Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures</u>	<u>632</u>									<u>N</u>				<u>D</u>			<u>A</u>						
Commercial Pacific Herring Eggs on Kelp (Fishery Management Plan Implementation)	163, 164				E 11/30																		
Groundfish	27.30, 27.35, 27.45, 28.27, 28.28, 28.54, 28.55, 28.65, 150.16	A						E 1/1															
Simplification of Statewide Inland Fishing Regulations ³	3.00, 4.00, 5.00, 5.41, 5.84, 5.86, 5.89, 7.00, 7.40, 7.50, 8.10	A									E 3/1												
Recreational Crab Marine Life Protection Measures	29.80, 29.85 701	D			A						E 3/1												
Recreational Take of Red Abalone	29.15	D			A								E 4/1										
Recreational take of Sea Urchin at Caspar Cove and Tanker Reef regulations ⁵	29.06	D			A							E 3/1											
Recreational Purple Sea Urchin emergency regulations (120 day extension)	29.06								<u>EE 1/12</u>														

Rulemaking Schedule to be Determined	Title 14 Section(s)	FGC Webinar/Teleconference Oct 14, 2020	TC Webinar/Teleconference Nov 9, 2020	MRC Webinar/Teleconference Nov 10, 2020	FGC Webinar/Teleconference Dec 9, 2020	FGC Webinar/Teleconference Dec 10, 2020	FGC Webinar/Teleconference Jan 12, 2021	WRC Webinar/Teleconference Jan 12, 2021	FGC Webinar/Teleconference Feb 10, 2021	FGC Webinar/Teleconference Feb 11, 2021	MRC Webinar/Teleconference Mar 16, 2021	TC Webinar/Teleconference Apr 13, 2021	FGC Webinar/Teleconference Apr 14, 2021	FGC Webinar/Teleconference Apr 15, 2021	FGC Webinar/Teleconference May 11, 2021	WRC Webinar/Teleconference May 11, 2021	FGC Webinar/Teleconference Jun 16, 2021	FGC Webinar/Teleconference Jun 17, 2021	MRC Sacramento Jul 20, 2021	TC Sacramento Aug 17, 2021	FGC Sacramento Aug 18, 2021	FGC Sacramento Aug 19, 2021	WRC Sacramento Sep 16, 2021
CA Grunion (FGC Petition #2019-014)	TBD																						
<u>Mammal Hunting</u>	<u>TBD</u>																						
Commercial Kelp and Algae Harvest Management	165, 165.5, 705																						
Santa Cruz Harbor Salmon Fishing (FGC Petition #2016-018)	TBD																						
European Green Crab (FGC Petition #2017-006)	TBD																						
Wildlife Areas/Public Lands ⁴	TBD																						
Experimental Fishing Permit (EFP) Program Phase II)	TBD																						
Possess Game / Process Into Food	TBD																						
American Zoological Association / Zoo and Aquarium Association	671.1																						
Night Hunting in Gray Wolf Range (FGC Petition #2015-010)	474																						
Shellfish Aquaculture Best Management Practices	TBD																						
Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition #2017-008)	TBD																						
Commercial Pink Shrimp Trawl	120, 120.1, 120.2																						
Ridgeback Prawn Incidental Take Allowance	120(e)																						

FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee

EM = Emergency **EE = Emergency Expires** E = Anticipated Effective Date (RED "X" = expedited OAL review)

N = Notice Hearing D = Discussion Hearing A = Adoption Hearing

V = Vetting R = Committee Recommendation

3 = Includes FGC Petition #2018-008 4 = Includes FGC Petition #2018-003 5 = Includes FGC Petition #2020-001