

STAFF SUMMARY FOR AUGUST 16, 2017

28B. ADMINISTRATIVE ITEMS – REGULATORY TIMETABLE**Today's Item**Information Action

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

Summary of Previous/Future Actions (N/A)**Background**

Each year FGC adopts and submits to the Office of Administrative Law a rulemaking calendar. Subsequently, FGC maintains a perpetual timetable for anticipated regulatory actions. At each FGC meeting, staff provides the latest approved regulatory timetable along with proposed changes highlighted in bolded blue text (Exhibit 1).

DFW submitted a memo (Exhibit 2) requesting one change to the FGC regulatory timetable:

- Move a rulemaking to add Section 749.9, for incidental take of tricolored blackbird (TCBB), *Agelaius tricolor*, from TBD status to a scheduled rulemaking. DFW requests a regular rulemaking to make permanent the emergency regulations to address incidental take of TCBB during the extended candidacy period beyond the expiration of the 2nd emergency action scheduled to expire on Sep 7, 2017. The notice should be scheduled for the Oct meeting in Atascadero, discussion at the Dec meeting in San Diego, and adoption at the Feb 2018 meeting in a location yet to be determined.

FGC staff includes in the timetable in blue underline text the requested 2018 meeting dates and locations scheduled for approval under Agenda Item 8 for this meeting.

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

FGC staff: Adopt the proposed changes to the timetable for anticipated regulatory actions and provide direction on the scheduling of any proposed rulemaking changes identified during the meeting.

Exhibits

1. [Proposed timetable for anticipated regulatory actions, updated Aug 4, 2017](#)
2. [DFW memo, received Aug 3, 2017](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the proposed amendments to the timetable for anticipated regulatory actions.

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

(Dates shown reflect the date intended for the subject regulatory action.)

Updated: 8/4/17

ITEMS PROPOSED FOR CHANGE ARE SHOWN IN BLUE

For FGC Staff Use				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2017						2018											
						AUG 16	SEP 13	OCT 10	OCT 11 12	NOV 9	DEC 6 7	JAN 11	FEB 6	FEB 7 8	MAR 6	MAR 15	APR 12	APR 18 19	MAY 17	JUN 19	JUN 20 21	JUL 17	
						FGC SACRAMENTO	WRC RIVERSIDE	TC ATASCADERO	FGC ATASCADERO	MRC MARINA	FGC SAN DIEGO	WRC SANTA ROSA	TC SACRAMENTO	FGC SACRAMENTO	MRC PETALUMA	FGC TELECONFERENCE	FGC TELECONFERENCE	FGC VENTURA	WRC LOS ALAMITOS	TC SACRAMENTO	FGC SACRAMENTO	MRC SAN CLEMENTE	
QUARTERLY EFFECTIVE				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	File Notice w/OAL by																	
DFW RU ANALYST	FGC ANALYST	LEAD	Notice Published																				
				Title 14 Section(s)																			
KM	JS	FB	Sport Fishing (Annual)	1.05 et al.	N			D		A	V				E 3/1			R					
*	SB	ST	HC Livermore Tarplant	670.2			E 10/1																
*	MR	JS	WLB Falconry Clean-up	670			E 10/1																
KM	SF	FB	Klamath River Sport Fishing (Annual)	7.50(b)(91.1)	E 8/?	R				N			D							A		V	
KM	MMH	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)		R				N			D								A		E5/17 V
KM	SF	MR	Ocean Salmon Sport Fishing (April 2018) (Annual)	27.80(c)						N			D			A					E 4/1 X		
KM	SF	MR	Ocean Salmon Sport Fishing (May - November 2018) (Annual)	27.80(d)						N			D								A		E 5/1 X
SB	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or for Dog Training	265																	E 4/1		
MR	JS	WLB	Mammal Hunting (Annual)	360 et al.		R				N			D								A	V	E 7/21
MR	JS	WLB	Deer Tag Reporting Requirements	708.5				E 10/1															
MR	JS	WLB	Waterfowl (Annual)	502		R				N			D								A	V	E 7/21
MR	JS	WLB	Upland (Resident) Game Bird (Annual)	300			E 9/1 V					R		N								D	A
*	KM	ST	MR	Dungeness Crab and Lobster Recreational Gear Marking and Commercial Lobster Harbor Restricted Fishing Areas	29.80, 122				E 10/1														
		ST	WB	Tricolored Blackbird Emergency - 180 Day	749.9			EE 9/7															
*	KM	ST	WB	Tricolored Blackbird	749.9				N		D				A		X E 4/1						
	SB	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or for Dog Training	265				D		A											E 4/1	
KM	SF		Process for Automatic Conformance to Federal Recreational Fishing Regulations	1.95		A				E 11/1													
*	KM	ST	FB	Commercial Take of Rattlesnakes	42, 43, 651, 703				D/A				E 1/1										
*	KM	ST	MR	Nearshore and Deeper Nearshore Fishing Permits	150,150.01,150.02,705					A			E 1/1										
*	MR	ST	MR	Commercial Fisheries Electronic Reporting	197					D/A			E 1/1										
*	MR	SF	MR	Commercial Sea Cucumber	128					A			E 1/1										
	KM	ST	MR	Abalone Emergency - 180 Day	29.15			EE 9/28															
	KM	ST	MR	Abalone Emergency - 90 Day	29.15						EE 12/27												
	KM	ST	MR	Abalone Certificate of Compliance	29.15					D												E 4/1	
*	MR	ST	MR	Commercial Sea Urchin (Phase II)	120.7					D												E 4/1	
RULEMAKING SCHEDULE TO BE DETERMINED																							
*			MR	Kelp and Algae Harvest Management	165, 165.5, 704						V												
*				Possess Game / Process Into Food	TBD																		
*			OGC	AZA / ZAA	671.1																		
				Night Hunting in Gray Wolf Range	474																		
				Shellfish Aquaculture Best Management Practices	TBD						V						R						
			WB	Trapping Fees	TBD																		
			SF	FGC Tribal Take in MPAs	632																		
*			SF	FGC Rockport Rocks Special Closure	632																		

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, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee, TC = Tribal Committee

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

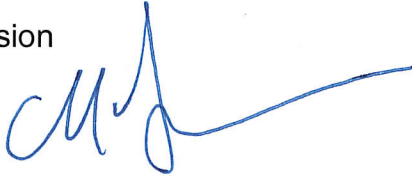
2017 AUG -3 AM 11:15

Memorandum

Date: August 1, 2017

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
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 changes to the Fish and Game Commission's (Commission's) 2017 regulatory timetable:

- Add a rulemaking to add Section 749.9, Title 14, Code of Regulations, for Incidental Take of Tricolored Blackbird (TCBB), *Agelaius tricolor*. Since the TCBB status review is still under development, the Department requests a regular rulemaking to make permanent the emergency regulations to address incidental take of TCBB during this extended candidacy period beyond the expiration of the 2nd emergency action. The notice should be scheduled for the October meeting in Atascadero, discussion at December meeting in San Diego, and adoption for the February 2018 meeting in a location yet to be determined.

If you have any questions or need additional information, please contact Regulations Unit Acting Manager, Scott Barrow at (916) 653-4674 or by email at Scott.Barrow@wildlife.ca.gov.

cc: Stafford Lehr, Deputy Director
Wildlife and Fisheries Division
Stafford.Lehr@wildlife.ca.gov

David Bess, Chief
Law Enforcement Division
David.Bess@wildlife.ca.gov

Craig Shuman, D. Env., Manager
Marine Region
Craig.Shuman@wildlife.ca.gov