

STAFF SUMMARY FOR FEBRUARY 7-8, 2018

35B. ADMINISTRATIVE ITEMS – RULEMAKING TIMETABLE**Today's Item**Information Action

Review and approve requested changes to the perpetual timetable for anticipated regulatory actions, and receive the 2018 rulemaking calendar submitted to the Office of Administrative Law (OAL).

Summary of Previous/Future Actions

- FGC approved changes to rulemaking timetable Dec 6-7, 2017; San Diego
- **Today approve proposed rulemaking timetable Feb 7-8, 2018; Sacramento**

Background

FGC maintains a perpetual timetable for anticipated regulatory actions. At each FGC meeting, staff provides the latest approved timetable along with requests for changes from FGC staff and DFW highlighted in bolded and underlined blue text (Exhibit 1). For this meeting:

1. DFW has not submitted any requests for changes to the rulemaking timetable.
2. Under Agenda Item 24, WRC is recommending that a sage grouse special hunt draw be developed as a separate rulemaking from the upland game bird annual rulemaking, in case the additional economic reporting requirements through the California Department of Finance delays adoption. The effective date for the special draw would be prior to the 2019 season.
3. If Petition #2017-017 is approved under Agenda Item 13, the tribal take in MPAs rulemaking would be expanded to include subsections 632(b)(33) and 632(b)(34).
4. Any additional rulemaking schedule changes identified during the meeting will be captured in the revised rulemaking timetable published shortly after the meeting.

2018 OAL Rulemaking Calendar

At every business meeting, FGC considers proposals from its committees and DFW, and public requests to schedule changes in regulations. The Administrative Procedure Act (Government Code Section 11017.6) requires FGC to report by Jan 30 each year to OAL on the known rulemakings for the calendar year; this information is published in the California Regulatory Notice Register, and is used by the Office of Administrative Law in scheduling its reviews of rulemaking files. FGC staff submitted the rulemaking calendar for 2018 to OAL, based on the approved Dec 7, 2017 timetable (Exhibit 2).

2018 California Department of Finance (Finance) Rulemaking Calendar

Similarly to the OAL rulemaking calendar requirement, agencies are required to notify Finance by February 1 of each year of any major regulations anticipated to be proposed during calendar year 2018. FGC has not approved any reportable regulations for 2018.

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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 Jan 30, 2018](#)
2. [2018 rulemaking calendar submitted to OAL on Feb 1, 2018](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the proposed changes to the rulemaking timetable.

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

(dates shown reflect the date intended for the subject regulatory action)

Updated: 01/30/18

ITEMS PROPOSED FOR CHANGE ARE SHOWN IN BLUE FONT

For FGC Staff Use				2018																2019																	
QUARTERLY EFFECTIVE	DFW/RU ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	FEB 6		FEB 7 8		MAR 6	APR 12		APR 18 19		MAY 17	JUN 19	JUN 20 21		JUL 17	AUG 22 23		SEP 20	OCT 16	OCT 17 18		NOV 14	DEC 12 13		JAN TBD								
						TC SACRAMENTO	FGC SACRAMENTO	MRC SANTA ROSA	FGC TELECONFERENCE	FGC VENTURA	WRC LOS ALAMITOS	TC SACRAMENTO	FGC SACRAMENTO	MRC SAN CLEMENTE	FGC FORTUNA	WRC SACRAMENTO	TC FRESNO	FGC FRESNO	MRC SACRAMENTO	FGC OCEANSIDE	WRC TBD																
					File Notice w/OAL by Notice Published					12/12/17		02/13/18		02/20/18		04/24/18		06/26/18		08/21/18		10/16/18		12/22/17		02/23/18		03/02/18		05/04/18		07/06/18		08/31/18		10/26/18	
					Title 14 Section(s)																																
*	KM	ST	WB	Tricolored Blackbird - Incidental Take	749.9			A				E 4/1	X																								
	KM	RP	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68) & (156.5)			D				A							E 7/1			R												N			
	MR	JS	WLB	Waterfowl (Annual)	502			D					A		V				E 7/1			R												N			
	KM	SF	FB	Klamath River Basin Salmon Sport Fishing (Annual)	7.50(b)(91.1)			D				A			V						E 8/1		R											N			
	MR	JS	WLB	Upland (Resident) Game Bird (Annual)	300			N					D						A			E 9/1	V												R		
	MR	JS	WLB	<u>Sage Grouse Preferential Points and Draw</u>	<u>716</u>								N						D			A													E 1/1		
	SB	SF	FGC	Tribal Take in MPAs	632(b)(33), (34), (97), (98), (112) & (117)								N						D			A													E 1/1		
*	SB	RP	FGC	Rockport Rocks Special Closure	632(b)(17)								N						D			A													E 1/1		
	MR	RP/SF	WB	Trapping Fees	TBD														N			D															
*	SB	ST	MR	Groundfish	TBD															N		D															
	MR	JS	LED	Deer/Elk Tag Validation	708.6, 708.11																N		D														
	MR	JS	LED	Archery Equipment and Crossbow	354(f)																N		D														
	KM	JS	FB	Sport Fishing (Annual)	1.05 et al.					E 3/1					R						N		D														
	MR	JS	WLB	Mammal Hunting <u>(annual rulemaking, if needed)</u>	TBD										V							R													N		
	MR	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or Dog Training 2016	265								E 4/26																								
	MR	JS	FGC	Use of Dogs for Pursuit/Take of Mammals or Dog Training 2017	265								E 4/26																								
*	KM	ST	FB	Commercial Take of Rattlesnakes	42, 43, 651, 703								E 4/1																								
*	KM	ST	MR	Nearshore and Deeper Nearshore Fishing Permits	150,150.01,150.02,705								E 4/1																								
*	MR	ST	MR	Commercial Fisheries Landing Requirements	197								E 4/1																								
	KM	ST	MR	Abalone Certificate of Compliance	29.15								E 4/1																								
*	MR	ST	MR	Commercial Sea Urchin (Phase II)	120.7, 705								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	American Zoological Association / Zoo and Aquarium Association	671.1																																
				Night Hunting in Gray Wolf Range	474																																
				Shellfish Aquaculture Best Management Practices	TBD					V																											
*			ST	Fisher	670.5																																
*			MR	Ridgeback Prawn Incidental Take	120(e)																																
*			ST	Northern Spotted Owl	670.5																																
*				Ban of Neonicotinoid Pesticides on Department Lands	TBD																																
*			MR	Commercial Crab Incidental Take Limits	120(e)(4), 125.1(c), 126(a)(7) & Add 129																																
*			MR	Commercial Pink Shrimp Trawl	120, 120.1 and 120.2																																

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

FISH AND GAME COMMISSION
2018 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2017

Subject: Sport Fishing 2018		CCR Title & Sections Affected: 1.05, 1.11, 1.18, 1.60, 1.61, 2.05, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50, 8.00, Title 14, CCR	Statute(s) Being Implemented: 200, 205, 219, 255, 265, 270, 275, 315, 316.5, 399, 8491, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:				
		Notice Published: Sep 2017	Public Hearing: Oct 2017	Adoption by your agency: Dec 2017	To OAL for review: Jan 2018	
Report on the status of all uncompleted rulemaking described on previous calendars: Rulemaking submitted on Jan 12, 2018						
Subject: Use of Dogs for Pursuit/Take of Mammals or Dog Training		CCR Title & Sections Affected: 265, Title 14, CCR	Statute(s) Being Implemented: 200, 203, 3960, 3960.2, 3960.4, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:				
		Notice Published: Apr 2017	Public Hearing: Oct 2017	Adoption by your agency: Dec 2017	To OAL for review: Feb 2018	
Report on the status of all uncompleted rulemaking described on previous calendars: Awaiting completion of FSOR prior to filing with OAL.						
Subject: Commercial Take of Rattlesnake		CCR Title & Sections Affected: 42, 43, 651 and 703, Title 14, CCR	Statute(s) Being Implemented: 713, 1002, 1050, 1053, 1745, 2118, 2120, 2122, 2150, 2150.2, 2157, 5060, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Rick Pimentel, 916-651-1329	Projected Dates:				
		Notice Published: Jun 2017	Public Hearing: Aug 2017	Adoption by your agency: Oct 2017	To OAL for review: Jan 2018	
Report on the status of all uncompleted rulemaking described on previous calendars: Rulemaking submitted on Jan 24, 2018						
Subject: Commercial Fisheries Landing Requirements		CCR Title & Sections Affected: 197, Title 14, CCR	Statute(s) Being Implemented: 1050(b), 8046, 8046.1 and 8047, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Sheri Tiemann, 916-654-9872	Projected Dates:				
		Notice Published: Jun 2017	Public Hearing: Oct 2017	Adoption by your agency: Oct 2017	To OAL for review: Jan 2018	

Report on the status of all uncompleted rulemaking described on previous calendars: Rulemaking submitted on Jan 18, 2018					
Subject: Abalone Certificate of Compliance		CCR Title & Sections Affected: 29.15, Title 14, CCR		Statute(s) Being Implemented: 200, 205, 260, 265, 399, 5520, 5521 and 7149.8, Fish and Game Code.	
Responsible Agency Unit: Fish and Game Commission		Contact Person & Phone Number: Sheri Tiemann, 916-654-9872		Projected Dates:	
				Notice Published: Aug 2017	Public Hearing: Oct 2017
Report on the status of all uncompleted rulemaking described on previous calendars: Awaiting completion of the FSOR.					
Subject: Commercial Sea Urchin (Phase II)		CCR Title & Sections Affected: 120.7, 705, Title 14, CCR		Statute(s) Being Implemented: 713, 1050, 9054 and 9055, Fish and Game Code.	
Responsible Agency Unit: Fish and Game Commission		Contact Person & Phone Number: Sheri Tiemann, 916-654-9872		Projected Dates:	
				Notice Published: Aug 2017	Public Hearing: Oct 2017
Report on the status of all uncompleted rulemaking described on previous calendars: Rulemaking submitted on Jan 18, 2018					
Subject: Tricolored Blackbird – Incidental Take		CCR Title & Sections Affected: 749.9, Title 14, CCR		Statute(s) Being Implemented: 200, 265, 399 and 2084, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission		Contact Person & Phone Number: Sheri Tiemann, 916-654-9872		Projected Dates:	
				Notice Published: Oct 2017	Public Hearing: Dec 2017
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Central Valley Salmon Sport Fishing (Annual)		CCR Title & Sections Affected: 7.50, Title 14, CCR		Statute(s) Being Implemented: 200, 205, 265, 270, 315, 399, 316.5, Fish and Game Code.	
Responsible Agency Unit: Fish and Game Commission		Contact Person & Phone Number: Rick Pimentel, 916-651-1329		Projected Dates:	
				Notice Published: Dec 2017	Public Hearing: Feb 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Waterfowl (Annual)		CCR Title & Sections Affected: 502, Title 14, CCR		Statute(s) Being Implemented: 265 and 355, Fish and Game Code	

Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:			
		Notice Published: Dec 2017	Public Hearing: Feb 2018	Adoption by your agency: Apr 2018	To OAL for review: May 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Klamath River Basin Salmon Sport Fishing (Annual)		CCR Title & Sections Affected: 7.50(b)(91.1), Title 14, CCR		Statute(s) Being Implemented: 200, 205, 265, 270, 315, 399, 316.5 Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Sherrie Fonbuena, 916-654-9866	Projected Dates:			
		Notice Published: Dec 2017	Public Hearing: Feb 2018	Adoption by your agency: Apr 2018	To OAL for review: Apr 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Resident Upland Game Bird Hunting		CCR Title & Sections Affected: 300(a)(1)(D)4. Title 14, CCR		Statute(s) Being Implemented: 200, 203, 265 and 355 Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:			
		Notice Published: Feb 2018	Public Hearing: Apr 2018	Adoption by your agency: Jun 2018	To OAL for review: Jul 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Tribal Take in MPAs		CCR Title & Sections Affected: 632(b)(97), (98), (112) and (117), Title 14, CCR		Statute(s) Being Implemented: 200, 205©, 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Sherrie Fonbuena, 916-654-9866	Projected Dates:			
		Notice Published: Apr 2018	Public Hearing: Jun 2018	Adoption by your agency: Aug 2018	To OAL for review: Sep 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Rockport Rocks Special Closure		CCR Title & Sections Affected: 632(b)(17)		Statute(s) Being Implemented: 200, 205(c), 265, 399, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Rick Pimentel, 916-651-1329	Projected Dates:			
		Notice Published: Apr 2018	Public Hearing: Jun 2018	Adoption by your agency: Aug 2018	To OAL for review: Sep 2018

Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Upland Game Bird Special Hunt Drawing		CCR Title & Sections Affected: 300(a)(1)(D)5. Title 14, CCR		Statute(s) Being Implemented: 200, 203, 220, 265, 270, 331, 332 and 1050, Fish and Game Code.	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:			
		Notice Published: Apr 2018	Public Hearing: Jun 2018	Adoption by your agency: Aug 2018	To OAL for review: Sep 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Trapping Fees		CCR Title & Sections Affected: TBD, Title 14, CCR		Statute(s) Being Implemented: 4000-4012, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Rick Pimentel, 916-651-1329 and Sherrie Fonbuena, 916-654-9866	Projected Dates:			
		Notice Published: Jun 2018	Public Hearing: Aug 2018	Adoption by your agency: Oct 2018	To OAL for review: Nov 2018
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Groundfish		CCR Title & Sections Affected: TBD, Title 14, CCR		Statute(s) Being Implemented: TBD, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Sheri Tiemann, 916-654-9872	Projected Dates:			
		Notice Published: Aug 2018	Public Hearing: Oct 2018	Adoption by your agency: Dec 2018	To OAL for review: Jan 2019
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Deer/Elk Tag Validation		CCR Title & Sections Affected: 708.6, 708.11, Title 14, CCR		Statute(s) Being Implemented: 200, 203, 215, 219, 265, 275, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4351 and 10502, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:			
		Notice Published: Aug 2018	Public Hearing: Oct 2018	Adoption by your agency: Dec 2018	To OAL for review: Jan 2019
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Archery Equipment and Crossbow		CCR Title & Sections Affected: 354, Title 14, CCR		Statute(s) Being Implemented: 200, 203 and 265, Fish and Game Code	
Responsible Agency Unit: Fish and	Contact Person & Phone Number:	Projected Dates:			

Game Commission	Jon Snellstrom, 916-654-9868	Notice Published: Aug 2018	Public Hearing: Oct 2018	Adoption by your agency: Dec 2018	To OAL for review: Jan 2019
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Sport Fishing (Annual)	CCR Title & Sections Affected: TBD, Title 14, CCR	Statute(s) Being Implemented: 200, 205, 219, 255, 265, 270, 275, 315, 316.5, 399, 8491, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:			
		Notice Published: Aug 2018	Public Hearing: Oct 2018	Adoption by your agency: Dec 2018	To OAL for review: Jan 2019
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Mammal Hunting (Annual)	CCR Title & Sections Affected: TBD, Title 14, CCR	Statute(s) Being Implemented: 200, 203, 215, 219, 265, 275, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Jon Snellstrom, 916-654-9868	Projected Dates:			
		Notice Published: Dec 208	Public Hearing: Feb 2019	Adoption by your agency: Apr 2019	To OAL for review: May 2019
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Kelp and Algae Harvet Management	CCR Title & Sections Affected: 165, 165.5, 704, Title 14, CCR	Statute(s) Being Implemented: 6653 and 6653.5 Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: TBD	Projected Dates:			
		Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: American Zoological Association/Zoo and Aquarium Association	CCR Title & Sections Affected: 671.1, Title 14, CCR	Statute(s) Being Implemented: 713, 1002, 2118, 2120, 2122, 2150, 2150.2, 2157 and 2193, Fish and Game Code			
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: TBD	Projected Dates:			
		Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD

Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Shellfish Aquaculture Best Management Practices		CCR Title & Sections Affected: TBD		Statute(s) Being Implemented: TBD	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: TBD	Projected Dates:			
		Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Fisher		CCR Title & Sections Affected: 670.5, Title 14, CCR		Statute(s) Being Implemented: 2070 and 2075.5, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Sheri Tiemann, 916-654-9872	Projected Dates:			
		Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Ridgeback Prawn Incidental Take		CCR Title & Sections Affected: 120(e), Title 14, CCR		Statute(s) Being Implemented: 8591, 8841 and 8842, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: TBD	Projected Dates:			
		Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Northern Spotted Owl		CCR Title & Sections Affected: 670.5, Title 14		Statute(s) Being Implemented: 2070 and 2075.5, Fish and Game Code	
Responsible Agency Unit: Fish and Game Commission	Contact Person & Phone Number: Sheri Tiemann, 916-654-9872	Projected Dates:			
		Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:					
Subject: Commercial Crab Incidental Take Limits		CCR Title & Sections Affected: 120, 120.1, 120.2, Title 14, CCR		Statute(s) Being Implemented: 8591, 8841 and 8842, Fish and Game Code.	
Responsible Agency Unit: Fish and	Contact Person & Phone Number:	Projected Dates:			

Game Commission	TBD	Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:					