

STAFF SUMMARY FOR FEB 6, 2019

31B. ADMINISTRATIVE ITEMS – RULEMAKING TIMETABLE**Today's Item**Information Action

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

Summary of Previous/Future Actions

- FGC approved changes to rulemaking timetable Dec 12-13, 2018; Oceanside
- **Today consider approving proposed rulemaking timetable Feb 6, 2019; 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/or DFW (Exhibit 1), highlighted in bolded and underlined blue text (Exhibit 2).

DFW makes the following requests:

- Add a rulemaking to amend Section 180.6 to clarify the number of hagfish traps permitted on a single vessel. The proposed schedule is to have a notice hearing at the Apr 2019 meeting, and discussion/adoption at the Jun 2019 meeting.
- Add a rulemaking to amend sections 550, 550.5, 551 and 630 related to public use on DFW lands to designate up to nine properties, remove designations for up to four properties, clarify regulatory language, and propose targeted site-specific changes supported by a management plan or environmental document to address operational needs or to address public safety concerns that have come to DFW's attention. The proposed schedule is to have a notice hearing at the Oct 2019 meeting, discussion at the Dec 2019 meeting, and adoption at the Feb 2020 meeting.
- Delay the rulemaking for implementing regulations for the Herring Fishery Management Plan to add Section 28.62 and amend sections 27.60, 28.60, 163, 163.1, 163.5, and 164. The delay is to allow time to adequately address recommendations from the independent scientific review panel in the FMP, including addition of new environmental indicators into the management strategy. The revised schedule is proposed as a notice hearing at the Jun 2019 meeting, discussion in Aug 2019, and adoption at the Oct 2019 meeting.
- Remove the rulemaking for possible amendments to the upland (resident) game bird (2019) regulation review for Section 300. Details explaining the reason for removing this rulemaking appear under Agenda Item 14.

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 rulemaking changes identified during the meeting.

STAFF SUMMARY FOR FEB 6, 2019

Exhibits

1. [DFW memo received Jan 23, 2019](#)
2. [Proposed timetable for anticipated regulatory actions, dated Jan 24, 2019](#)

Motion/Direction

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

Memorandum

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

Date: January 22, 2019

2019 JAN 23 AM 11:10

To: Melissa Miller-Henson
Acting 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) 2019 regulatory timetable:

- Add a rulemaking to amend Section 180.6 to clarify the number of hagfish traps permitted on a single vessel. Current language allows for 25 barrel traps per permittee; the amended regulation would make it clear that a maximum of 25 traps may be possessed aboard a single vessel, regardless of the number of permittees on board.
 - The proposed meeting schedule is notice at the April 2019, and discussion/adoption at the June 2019 meeting.
- Add a rulemaking to amend Sections 550, 550.5, 551 and 630 to designate up to nine properties, un-designate up to four properties, clarify regulatory language and propose targeted site-specific changes supported by a management plan or environmental document, to address operational needs, or to address public safety concerns that have come to the Department's attention.
 - The proposed meeting schedule is notice at the October 2019 meeting, discussion at the December 2019 meeting, and adoption at the February 2020 meeting.
- Delay receipt of the Herring Fishery Management Plan.
 - The revised meeting schedule will be receipt of the FMP in June 2019, discussion at the August 2019 meeting, and adoption at the October 2019 meeting.

Melissa Miller-Henson, Acting Executive Director
Fish and Game Commission
January 22, 2019
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- Delay the rulemaking for implementing regulations for the Herring Fishery Management Plan to add Section 28.62 and amend Sections 27.60, 28.60, 163, 163.1, 163.5, and 164.
 - The revised meeting schedule is notice at the June 2019 meeting, discussion at the August 2019, and adoption at the October 2019 meeting.
- Remove the rulemaking for possible amendments to the Upland (Resident) Game Bird annual (2019) regulation review for Section 300.
 - The revised meeting schedule is to remove the notice at the February 2019 meeting, discussion at the April 2019, and adoption at the June 2019 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 Michelle.Selmon@wildlife.ca.gov.

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Fish and Game Commission:

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

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

Updated: 01/24/19

ITEMS PROPOSED FOR CHANGE ARE SHOWN IN BLUE FONT

For FGC Staff Use				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2019													2020							
QUARTERLY EFFECTIVE	DFW/RU ANALYST	FGC ANALYST	LEAD			FEB 5	FEB 6	MAR 20	APR 17	APR 18	MAY 16	MAY 16	JUN 11	JUN 12	JUN 13	JUL 11	AUG 7	AUG 8	SEP 5	OCT 8	OCT 9	OCT 10	NOV 5	DEC 11	DEC 12	JAN TBD
						TC SACRAMENTO	FGC SACRAMENTO 12/1/18 12/2/18	MRC SACRAMENTO	FGC LOS ANGELES 02/19/19 03/01/19	WRC SACRAMENTO	TELECONFERENCE SACRAMENTO, FAIRFIELD, ARCATATA, SAN DIEGO	TC REDDING	FGC REDDING 04/16/19 04/26/19	MRC SAN CLEMENTE	FGC SACRAMENTO 06/11/19 06/21/19	WRC SANTA ROSA	TC SAN DIEGO	FGC SAN DIEGO 08/15/19 08/23/19	MRC SACRAMENTO	FGC SACRAMENTO 10/15/19 10/25/19	WRC TBD					
				Title 14 Section(s)																						
*	MR	ST	HC	Coast Yellow Leptosiphon and Lassics Lupine	670.2																					
	MS	ST	MR	Recreational Take of Red Abalone	29.15																					
*	MR	ST	MR	Commercial Logbooks	107, 174 and 176																					
	OA	JS	FB	Sport Fishing (Annual)	1.53, 1.74, 5.00																					
	MR	DT	MR	Recreational Purple Sea Urchin (Emergency) (1st 90-day extension)	29.11																					
	MR	DT	MR	Recreational Purple Sea Urchin (Regular Rulemaking)	29.06																					
	OA	SF/CC	MR	Sheephead Fillet	27.65(b)																					
	MR	JS	WLB	Mammal Hunting, including deer/elk tag validation	362, 364, 364.1, 708.6																					
	MR	JS	LED	Archery Equipment and Crossbow	354(f)																					
	MR	JS	WLB	Waterfowl (Annual)	502, 509																					
	OA	SF/CC	FB	Klamath River Basin Sport Fishing (Annual)	7.50(b)(91.1)																					
	OA	SF/CC	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68), 124 , (156.5)																					
	TBD	CC	MR	Haqfish traps permitted on single vessel	180.6																					
			WLB	Upland (Resident) Game Bird (Annual)	300																					
*	MR	ST	MR	Recreational and Commercial Pacific Herring (fishery management plan implementation)	27.60, 28.60, 28.62, 163, 163.1, 163.5, 164																					
	OA	JS	FB	Statewide Sport Fishing Revisions and Simplification for 2020	TBD																					
	TBD	TBD	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551 AND 630																					

RULEMAKING SCHEDULE TO BE DETERMINED

*			MR	Commercial Kelp and Algae Harvest Management	165, 165.5, 704																			
*				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																			
*			ST	Fisher	670.5																			
*			ST	Humboldt Marten	670.5																			
*			ST	Northern Spotted Owl	670.5																			
*			ST	Tricolored Blackbird	670.5																			
*				Ban of Neonicotinoid Pesticides on Department Lands	TBD																			
*			MR	Commercial Pink Shrimp Trawl	120, 120.1, 120.2																			
*			MR	Ridgeback Prawn Incidental Take Allowance	120(e)																			

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