

## STAFF SUMMARY FOR APR 17, 2019

**26B. 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 Feb 6, 2019; Sacramento
- **Today consider approving proposed changes to the rulemaking timetable Apr 17, 2019; Santa Monica**

**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).

FGC staff has identified several proposed changes:

- Modify the effective date for coast yellow leptosiphon, Lassics lupine, and recreational take of red abalone, which were approved earlier than originally anticipated by the Office of Administrative Law.
- Modify the effective date for sheephead fillet. In order to have the adopted sheephead fillet regulation included in the sport fishing regulations supplement booklet, and thus help alleviate public confusion and potential law enforcement impacts, FGC staff requested expedited review from the Office of Administrative Law (OAL). The regulation was approved by OAL on Mar 28, 2019, with an effective date of Apr 1, 2019.
- Modify the effective date for commercial logbooks, which do not meet the exemption standards for a required quarterly effective date at least 30 days from the OAL approval date to the Jan 1, Apr 1, Jul 1 or Oct 1 filing with the Secretary of State.
- Modify the name of the rulemaking currently titled "Hagfish traps permitted on single vessel" to "Hagfish traps", to simplify and be consistent with the draft initial statement of reasons and associated rulemaking documents. It is also noted that this file requires a quarterly effective date, and that DFW is requesting the regulation be made effective on Oct 1, 2019.
- Modify the adoption date for the mammal hunting rulemaking. To allow for a full 45-day California Environmental Quality Act review by the counties, staff has proposed moving the adoption hearing to FGC's May 16, 2019 teleconference (see Agenda Item 15).

DFW makes two requests:

- Modify the name of the rulemaking currently titled "Statewide Sport Fishing Revisions and Simplification for 2020" to improve clarity on the scope of the rulemaking. The new requested title is "Simplification of Statewide Inland Fishing Regulations". In addition, the amended Title 14 sections have been determined to be 5.00, 7.00, 7.50 and 8.10.

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- Add a rulemaking to add a new Title 14 chapter, article or section and to amend sections 120.1(c)2 and 180(g), to establish an experimental fishing permit (EFP) program, as authorized by new Fish and Game Code Section 1022, which states that FGC shall establish by regulation an expeditious process for DFW review, public notice and comment, FGC approval, and prompt DFW issuance of EFPs. Requests for new EFPs cannot be accommodated until the regulations are adopted by FGC and approved by OAL. At this meeting, DFW will propose a schedule for the new rulemaking.

**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.

**Exhibits**

1. [DFW memo, received Apr 4, 2019](#)
2. [Proposed timetable for anticipated regulatory actions, dated Apr 5, 2019](#)

**Motion/Direction**

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

2019 APR -4 am 9:06

## Memorandum

Date: April 4, 2019

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:

- Modify the name of the rulemaking currently titled "Statewide Sport Fishing Revisions and Simplification for 2020" to improve clarity on the scope of the rulemaking. The new requested title is "Simplification of Statewide Inland Fishing Regulations". The amended Sections are to be 5.00, 7.00, 7.50, and 8.10.
- Add a rulemaking to add a new Title 14 Chapter, Article or Section and to amend Sections 120.1(c)2 and 180(g), Title 14, CCR to establish an Experimental Fishing Permit (EFP) Program, as authorized by new FGC Section 1022, which states that "the Commission shall establish by regulation an expeditious process for Department review, public notice and comment, Commission approval, and prompt Department issuance of EFP". Requests for new EFPs cannot be accommodated until the regulations are in place.
  - The Department will propose a meeting schedule at the April 17, 2019 Fish and Game Commission 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](mailto:Michelle.Selmon@wildlife.ca.gov).

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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: 04/05/19

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			APR 17	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	FEB TBD	FEB TBD	MAR TBD	MAR TBD
						FGC SANTA MONICA	WRC SACRAMENTO	TELECONFERENCE SACRAMENTO / SAN DIEGO / FAIRFIELD / ARCATA / SAN DIEGO	TC REDDING	FGC REDDING	MRC SAN CLEMENTE	FGC SACRAMENTO	WRC SANTA ROSA	TC SAN DIEGO	FGC SAN DIEGO	MRC SACRAMENTO	FGC SACRAMENTO	WRC TBD	TC	FGC	MRC	FGC TELECONFERENCE				
				File Notice w/OAL by Notice Published	02/19/19						04/16/19								08/15/19	10/15/19						
				Title 14 Section(s)	03/01/19						04/26/19								08/23/19	10/25/19						
*	MR	ST	HCB	Coast Yellow Leptosiphon and Lassics Lupine	670.2	E 4/1																				
	MS	ST	MR	Recreational Take of Red Abalone	29.15																					
*	MR	ST	MR	Commercial Logbooks	107, 174 and 176	E 4/1					and E 7/1															
	MR	DT	MR	Recreational Purple Sea Urchin (Regular Rulemaking)	29.06																					
	TBD	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551 AND 630																					
	OA	SF/CC	MR	Sheephead Fillet	27.65(b)	E 4/1					E 7/1															
	MR	JS	WLB	Mammal Hunting, including deer/elk tag validation	362, 364, 364.1, 708.6	A-D	V	A			E 7/1			R				N				D				
	MR	JS	LED	Archery Equipment and Crossbow	354(f)	A					E 7/1															
	MR	JS	WLB	Waterfowl (Annual)	502, 509	A	V				E 7/1			R					N				D			
	OA	SF/CC	FB	Klamath River Basin Sport Fishing (Annual)	7.50(b)(91.1)	D	V	A			E 7/1			R					N				D			
	OA	SF/CC	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68), (124), (156.5)	D	V	A			E 7/1			R					N				D			
*	OA	CC	MR	Hagfish traps-permitted-on-single-vessel	180.6	N				D/A				E 10/1												
*	MR	ST	MR	Recreational and Commercial Pacific Herring (fishery management plan implementation)	27.60, 28.60, 28.62, 163, 163.1, 163.5, 164					N		D				A				E 1/1						
	OA	JS	FB	Statewide Sport Fishing Revisions and Simplification for 2020 <a href="#">Simplification of Statewide Inland Fishing Regulations</a>	<del>TBD</del> <a href="#">5.00, 7.00, 7.50, 8.10</a>			R				N				D			A				E 3/1			
	MR	JS	WLB	Mammal Hunting	362, 364, 364.1, 708.6								R						N				D			

**RULEMAKING SCHEDULE TO BE DETERMINED**

*	CC	MR	Experimental fishing permit (EFP) program	120.1 and 180							V														
*		MR	Commercial Kelp and Algae Harvest Management	165, 165.5, 704							V													V	
*			Possess Game / Process Into Food	TBD																					
*			American Zoological Association / Zoo and Aquarium Association	671.1																					
			Night Hunting in Gray Wolf Range	474																					
			Shellfish Aquaculture Best Management Practices	TBD				R															V		R
*			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)																					V

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