

STAFF SUMMARY FOR JUNE 12-13, 2019

28. MARINE PETITIONS FOR REGULATION CHANGE**Today's Item**Information Action

This is a standing agenda item for FGC to act on regulation petitions from the public that are marine in nature. For this meeting:

- (A) Action on the petition for regulation change received at the Apr 2019 meeting
- (B) Pending regulation petitions referred to FGC staff and DFW for review - none scheduled

Summary of Previous/Future Actions

- (A)
 - Receipt of new petitions Apr 17, 2019; Santa Monica
 - **Today's action on petition Jun 12-13, 2019; Redding**

(B)

N/A

Background

Pursuant to Section 662, any request for FGC to adopt, amend, or repeal a regulation must be submitted on form FGC 1, "Petition to the California Fish and Game Commission for Regulation Change." Petitions received at an FGC meeting are scheduled for consideration at the next business meeting under (A), unless the petition is rejected under 10-day staff review as prescribed in subsection 662(b). A petition may be (1) denied, (2) granted, or (3) referred to committee, staff or DFW for further evaluation or information-gathering. Referred petitions are scheduled for action under (B) once the evaluation is completed and a recommendation made.

A petition scheduled for consideration today under (A) was received at the Apr meeting; it was submitted by the comment deadline and published in the meeting binder.

(A) *Petition for regulation change*

Petition #2019-004: Revise existing regulation regarding retrieval of abandoned lobster traps. (Exhibit A1)

(B) *Pending regulation petitions*

No pending marine regulation petitions are scheduled for action at this meeting.

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

- (A) **FGC staff:** Refer petition #2019-004 to DFW for review and recommendation.
- (B) **N/A**

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Exhibits

- A1. [Petition #2019-004: Revise existing regulation regarding retrieval of abandoned lobster traps, received Feb 4, 2019](#)

Motion/Direction

- (A) Moved by _____ and seconded by _____ that the Commission adopts the staff recommendation to refer Petition #2019-004 to the California Department of Fish and Wildlife for review and recommendation.



Tracking Number: (2019-004)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Mike Conroy

Address:

Telephone number:

Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: FGC 1050, 8254(a)

3. Overview (Required) - Summarize the proposed changes to regulations: Add: "No lobster trap will be deemed abandoned during the period when lobster traps can legally be deployed as described in subsection (a)."

4. Rationale (Required) - Describe the problem and the reason for the proposed change: In certain locations, some permitted commercial lobster fishermen are having their traps, line and buoys (collectively "the gear") stolen by other permitted commercial lobster fisherman. Purportedly, the individual suspected of stealing the gear is claiming he is allowed to have the gear by claiming they are "derelict lobster traps" under current regulations. Because he is declaring them abandoned, the rightful owner of the gear is subject to arrest for theft if they take any actions to recover the stolen gear. The effect of this is that law abiding commercial fishermen whose gear is being stolen are disadvantaged as follows: (A) They are fishing less gear which results in lost opportunity; (B) They have to replace the gear at considerable expense; (C) They are unable to get replacement trap tags because they have not cumulatively lost at least 75 trap tags. Note – at the December 2018 FGC meeting we will be asking the MRC to schedule a discussion at its March 2019 meeting on the issue of replacement of loss tags

SECTION II: Optional Information

5. Date of Petition: November 29



6. Category of Proposed Change

- Sport Fishing
- Commercial Fishing
- Hunting
- Other, please specify:

7. The proposal is to: *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- Amend Title 14 Section(s):122.2(h)(1)
- Add New Title 14 Section(s):
- Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition

Or Not applicable.

9. Effective date: If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: Prior to opening of 2019 commercial lobster season

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Unavailable at this time due to an ongoing LED investigation

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Should be a positive economic impact to law abiding permitted commercial lobster fishermen

12. Forms: If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received: [Received by email on Monday, February 4, 2019 at 7:51 AM.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number 2019-004

Date petitioner was notified of receipt of petition and pending action: April 17, 2019

Meeting date for FGC consideration: June 12-13, 2019

FGC action:



- Denied by FGC
- Denied - same as petition _____
Tracking Number
- Granted for consideration of regulation change