

STAFF SUMMARY FOR AUGUST 8, 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 Jun 13, 2019; Redding
- **Today consider approving proposed changes to the rulemaking timetable Aug 8, 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); proposed changes are highlighted in bolded and underlined blue text (Exhibit 2).

FGC staff has no proposed changes. DFW makes one request:

- The current rulemaking timetable includes a scheduled rulemaking titled *Wildlife Areas/Public Lands and Ecological Reserves* for notice in Oct 2019, discussion in Dec 2019, and adoption in Feb 2020. The regulation would amend sections 550, 550.5, 551, 552, 630 and 702 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 DFW's attention. Due to the diverse DFW staff who need to review the series of preliminary documents, DFW is requesting a delay of one meeting cycle to complete this package, with a revised schedule of Dec 2019, Feb 2020 and Apr 2020.

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

FGC staff: Adopt the proposed changes to the timetable for anticipated regulatory actions (Exhibit 2) and provide direction on the scheduling of any rulemaking changes identified during the meeting.

Exhibits

1. [DFW memo, received Jul 29, 2019](#)
2. [Proposed timetable for anticipated regulatory actions, dated Jul 30, 2019](#)

Motion/Direction

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

Memorandum

Date: July 26, 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 change to the Fish and Game Commission's (Commission's) 2019 regulatory timetable:

- Amend sections 550, 550.5, 551, 552, 630 and 702, Title 14, California Code of Regulations (CCR), 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. Department staff will need additional time to complete this large package for the Commission's consideration.
 - The revised schedule will be noticed at the December 2019 meeting, discussion at the February 2020 meeting, and adoption at the April 2020 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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California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

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

7/30/2019

ITEMS PROPOSED FOR CHANGE ARE SHOWN IN BLUE FONT

For FGC Staff Use				2019												2020																
QUARTERLY EFFECTIVE	DFW/RU ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	AUG		SEP	OCT		NOV	DEC		JAN	JAN	FEB	MAR	APR		MAY	MAY	JUN		JUL								
						7	8	10	8	9	10	5	11	12	16	17	5	6	17	15	16	14	14	24	25	21						
						FGC SACRAMENTO		WRC SANTA ROSA	TC VALLEY CENTER	FGC VALLEY CENTER	MRC SACRAMENTO	FGC SACRAMENTO	WRC LOS ANGELES AREA	TC LOS ANGELES AREA	FGC FRESNO	MRC SANTA ROSA	FGC SACRAMENTO AREA	TELECONFERENCE SANTA ROSA	WRC SANTA ROSA	FGC SANTA ANA	MRC SAN CLEMENTE											
						File Notice w/OAL by	06/11/19			08/13/19		10/15/19			TBD		TBD															
						Notice Published	06/21/19			08/23/19		10/25/19			TBD		TBD															
						Title 14 Section(s)																										
*	OA	CC	MR	Hagfish Traps	180.6				E 10/1																							
*	MR	ST	MR	Recreational and Commercial Pacific Herring (Fishery Management Plan Implementation)	26.50, 28.50, 28.60, 28.62, 55.00, 55.01, 55.02, 163, 163.1, 163.5, 164 and 705		D			A			E 1/1																			
*	MR	CC	MR	Experimental Fishing Permit (EFP) Program (Phase I)	90 and 704		N			D/A			E 1/1																			
*	MR	JS	WLB	Possession of Nongame Animals (Nutria)	473	N				D		A									E 4/1											
	MR	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551, 552 and 630					N		D			A					E 4/1												
	MR	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551, 552, 630 and 702							N			D					A				E 7/1								
	OA	CC	FB	Central Valley Sport Fishing (Annual)	7.50(b)(5), (68), (124), (156.5)			R				N			D						A			E 7/1								
	MR	JS	WLB	Mammal Hunting	TBD			R				N			D						A			E 7/1								
	MR	JS	WLB	Waterfowl (Annual)	502			R				N			D						A			E 7/1								
	OA	SF	FB	Klamath River Basin Sport Fishing (Annual)	7.50(b)(91.1)			R				N			D						A			E 7/1								
	MR	JS	WLB	Upland Game Bird	300			V					R		N						D			A								
RULEMAKING SCHEDULE TO BE DETERMINED																																
	OA	JS	FB	Simplification of Statewide Inland Fishing Regulations	5.00, 7.00, 7.50, 8.10																											
	OA	SF	FB	Klamath River Basin 2084 (Emergency) (90 day Extension - Phase I)	7.50(b)(91.2)																											
	OA	SF	FB	Klamath River Basin 2084 (Emergency) (90 day Extension - Phase II)	7.50(b)(91.2)																											
	OA	SF	FB	Klamath River Basin 2084 (Implementing Certificate of Compliance)	7.50(b)(91.2)																											
*		CC	MR	Experimental Fishing Permit (EFP) Program (Phase II)	TBD																											
*			MR	Commercial 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			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)																											

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