

## STAFF SUMMARY FOR FEBRUARY 8-9, 2023

**30B. ADMINISTRATIVE ITEMS – RULEMAKING TIMETABLE UPDATES****Today's Item**Information Action 

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

**Summary of Previous/Future Actions**

- Commission approved rulemaking timetable Dec 14-15, 2022
- **Today consider approving changes to the rulemaking timetable Feb 8-9, 2023**

**Background**

This is a standing agenda item for staff and the Department to request changes to the Commission's rulemaking timetable, confirm changes made by the Commission during this meeting, and highlight minor changes made by staff.

The Department requests six changes to the rulemaking timetable (Exhibit 1):

1. Add a "Special Hunts Permits and Draw" rulemaking to add all special hunts to the Automated License Data System (ALDS). This rulemaking is necessary to streamline customer service, give the Department flexibility to accommodate additional hunting draws, allow for drawings involving "priority" numbers for apprentice hunters, and provide statistical information to the Department for use in assessing program goals, marketing and outreach. The proposed timeline for this rulemaking is notice in April 2023, discussion in June 2023, and adoption in August 2023.
2. Add a "Mitigating Risks for Chronic Wasting Disease Importation and Movement" rulemaking to clarify possession, importation, and movement regulations for live cervids and their products, list what parts can be imported from cervids harvested out-of-state, as well as clarify that all species of the family *Cervidae* are bound by the regulations. This rulemaking is necessary to ensure proactive safeguards against the importation and spread of chronic wasting disease. The proposed timeline for this rulemaking is notice in April 2023, discussion in June 2023, and adoption in August 2023.
3. Add a "Klamath River Dams Removal Sport Fishing" rulemaking to change sport fishing regulations for the Klamath River areas following dam removal for the newly restored anadromous reaches above current dams (Iron Gate, Copco No. 1 and 2). This rulemaking is necessary to accomplish anadromous fish population restoration and re-establishment objectives in California and Oregon. The proposed timeline for this rulemaking is notice in April 2023, discussion in June 2023, and adoption in August 2023. Note, the proposal is anticipated to become effective in January 2024, prior to the project's completion, to address various concerns such as public safety, and area and species restoration assessments.
4. Adjust the timing of the "Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures" rulemaking from the current schedule to notice in June 2023, discussion in August 2023, and adoption in December

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2023. This adjustment is necessary because of a delay in developing the rulemaking's environmental review document under the California Environmental Quality Act (CEQA); the proposed new timeline is expected to realign the two processes.

5. Add an "Inland Sport Fish Updates" rulemaking. This rulemaking is necessary to amend the fishing boundary for Chorro Creek (San Luis Obispo County), clarify that fishing is not allowed on the portion of the Russian River defined as the Russian River State Marine Recreational Management Area, and clarify the fishing boundary of Los Gatos Creek (Santa Clara County). The proposed timeline for this rulemaking is notice in June 2023, discussion in August 2023, and adoption in October 2023.
6. Add a "Wildlife Rehabilitation Updates" rulemaking. This rulemaking is necessary to make improvements to the regulatory framework for authorizing wildlife rehabilitation, including forms, wildlife care standards, permit revocation and denial standards, and other changes. The proposed timeline for this rulemaking is TBD. Commission staff suggests titling the rulemaking "Possession of Wildlife and Wildlife Rehabilitation" for consistency with the regulation section being amended.

Commission staff requests one change to the rulemaking timetable:

1. Move the "Commercial Take of Pacific Herring: Lampara Bait Nets" rulemaking from "TBD" to a proposed rulemaking schedule of Marine Resources Committee vetting in March 2023, notice in June 2023, and discussion and adoption in August 2023. The rulemaking is in response to a regulation change petition, 2020-015 AM1, that the Commission granted in concept at its October 14, 2021 meeting.

### Significant Public Comments (N/A)

### Recommendation

**Commission staff:** Adopt proposed changes to the timetable for anticipated regulatory actions and any rulemaking changes identified during this meeting.

### Exhibits

1. [Department memo, received January 27, 2023](#)
2. ["Perpetual Timetable for Anticipated Regulatory Action," dated January 30, 2023](#)

### Motion

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

# Memorandum

**Date:** January 25, 2023

**To:** Melissa Miller-Henson  
Executive Director  
Fish and Game Commission

**From:** Charlton H. Bonham  
Director

**Subject:** **February 2023 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) 2023 regulatory timetable for amendments to Title 14, California Code of Regulations (CCR):

1. Add "Special Hunts Permits and Draw" for the April 2023 meeting requesting to publish notice, amending sections 715 and 716, Title 14, CCR. These changes would add all special hunts to Automated License Data System (ALDS) to provide "one-stop" shopping for customers and give the Department the flexibility to accommodate additional hunting draws. The proposed changes would also allow for drawings involving "priority" numbers for apprentice hunters, and would provide summary statistics allowing assessment of program goals, marketing and outreach. The proposed meeting schedule following the notice hearing is discussion at the June 2023 meeting and adoption at the August 2023 meeting.
2. Add "Mitigating Risks for Chronic Wasting Disease Importation and Movement" for the April 2023 meeting requesting to publish notice, amending sections 257.5, 475, 676, and 712, Title 14, CCR, among others. These changes aim to clarify possession, importation, and movement regulations for live cervids and their products. Further, updates would clarify that all species of the family Cervidae are bound by the regulations, and list what parts can be imported from cervids harvested out-of-state. The proposed meeting schedule following the notice hearing is discussion at the June 2023 meeting and adoption at the August 2023 meeting.
3. Add "Klamath Dam Removal Sportfishing" for the April 2023 meeting requesting to publish notice, amending subsections 5.87, 7.40(b)(50), and 7.50(b)(73). These changes would amend the sport fishing regulations for the Klamath River areas following dam removal for the newly restored anadromous reaches above current dams (Iron Gate, Copco 1 and 2) to accomplish anadromous fish population restoration and re-establishment objectives in California and Oregon. The proposed meeting schedule following the notice hearing is discussion at the June 2023 meeting and adoption at the August 2023 meeting.

4. Move the proposed rulemaking, “Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures” amending Section 632 from Notice in April 2023 to Notice in June 2023, with a discussion at the August meeting, and Adoption at the December 2023 meeting.
5. Add “Inland Sport Fish Updates” requesting to publish notice for the June 2023 meeting, amending subsections 7.40(b)(27) amending the fishing boundary for Chorro Creek (San Luis Obispo Co.), 7.40(b)(79) clarifying that fishing is not allowed on the portion of the Russian River defined as the Russian River State Marine Recreational Management Area, and subsection 7.50(b)(81) clarifying the fishing boundary of Los Gatos Creek (Santa Clara Co.), and other minor changes. The proposed meeting schedule following the notice hearing is discussion at the August 2023 meeting and adoption at the October 2023 meeting.
6. Add “Wildlife Rehabilitation Updates” to TBD, amending Section 679, Title 14, CCR. These amendments will make improvements to the regulatory framework for authorizing wildlife rehabilitation, including forms, wildlife care standards, permit revocation and denial standards, and other changes.

If you have any questions or need additional information, please contact Regulations Unit Manager, Ona Alminas, at (916) 902-9222 or [Regulations@wildlife.ca.gov](mailto:Regulations@wildlife.ca.gov).

ec: Chad Dibble, Deputy Director  
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David Bess, Chief  
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Jay Rowan, Branch Chief  
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Scott Gardner, Branch Chief  
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Craig Shuman, D. Env., Regional Manager  
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Ona Alminas, Program Manager  
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Wildlife and Fisheries Division

**Fish and Game Commission:**

David Thesell, Program Manager  
Fish and Game Commission

# California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

January 30, 2023

Items proposed for change are shown in blue underlined or strikeout font

Regulatory Change Category	Title 14 Section(s)	FGC Sacramento February 8, 2023	FGC Sacramento February 9, 2023	MRC Monterey / Santa Cruz Area March 14 & 16, 2023	TC Fresno / Bakersfield Area April 18, 2023	FGC Fresno / Bakersfield Area April 19, 2023	FGC Fresno / Bakersfield Area April 20, 2023	FGC Teleconference May 17, 2023	WRC Monterey / Santa Cruz Area May 17, 2023	FGC Sacramento June 14, 2023	FGC Sacramento June 15, 2023	MRC Sonoma / San Francisco Bay Area July 20, 2023	TC Smith River Area / North Coast August 21, 2023	FGC Smith River Area / North Coast August 22, 2023	FGC Smith River Area / North Coast August 23, 2023	WRC Chico Area September 21, 2023	FGC San Jose Area October 11, 2023	FGC San Jose Area October 12, 2023	MRC San Diego Area November 16, 2023	TC San Diego Area December 12, 2023	FGC San Diego Area December 13, 2023	FGC San Diego Area December 14, 2023	WRC TBD January 2024
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)	N				D		A				E 7/16											
<u>Klamath River Basin Sport Fishing (Annual)</u>	<u>5.87, 7.40(b)(50)</u>	N				D		A					E 8/15										
Waterfowl (Annual)	502	D				A						E 7/1											
Game Fish Contests	230					This file was withdrawn from the OAL on 8/12. Resubmittal and Effective Date Pending.																	
Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures	632					N					D				D							A	
Implementation of AB 817 (Electronic Display of Licenses)	700.4	A										E 7/1											
Recreational Hoop Net Regulations Emergency	29.80							EE 5/2															
Recreational Hoop Net Regulations Emergency (First 90-Day Extension)	29.80		A					E 5/2					EE 7/31										
Recreational Hoop Net Regulations Emergency (Second 90-Day Extension)	29.80										A		E 7/31						EE 10/29				
Commercial and Recreational Take of California Spiny Lobster; Recreational Hoop Net Requirements for Take of Crustaceans	29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2, 705		D				A									E 9/1							
Elk Hunting	364, 364.1	D				A						E 7/1											
Bighorn Sheep Hunting	362	D				A						E 7/1											
Special Hunts Permits and Draw	<u>715, 716</u>					N					D			A									E 1/1
<u>Mitigating Risks for Chronic Wasting Disease Importation and Movement</u>	<u>257.5, 475, 676, 712</u>					N					D			A									E 1/1
<u>Klamath River Dams Removal Sport Fishing</u>	<u>5.87, 7.40(b)(50), 7.50(b)(73)</u>					N					D			A									E 1/1
<u>Inland Sport Fish Updates</u>	<u>7.40(b)(27), 7.40(b)(79), 7.50(b)(81)</u>										N			D			A						E 1/1
<u>Commercial Take of Pacific Herring; Lampara Bait Nets</u> <sup>7</sup>	<u>163, 163.1</u>			V							N				D/A								E 1/1
Southern California Steelhead 2084 Emergency (First 90-day extension)	749.13	EE 2/13																					
Southern California Steelhead 2084 Emergency (second 90-day extension)	749.13	E 2/13						EE 5/14															

Rulemaking Schedule to be Determined	Title 14 Section(s)	FGC Sacramento February 8, 2023	FGC Sacramento February 9, 2023	MRC Monterey / Santa Cruz Area March 14 & 16, 2023	TC Fresno / Bakersfield Area April 18, 2023	FGC Fresno / Bakersfield Area April 19, 2023	FGC Fresno / Bakersfield Area April 20, 2023	FGC Teleconference May 17, 2023	WRC Monterey / Santa Cruz Area May 17, 2023	FGC Sacramento June 14, 2023	FGC Sacramento June 15, 2023	MRC Sonoma / San Francisco Bay Area July 20, 2023	TC Smith River Area / North Coast August 21, 2023	FGC Smith River Area / North Coast August 22, 2023	FGC Smith River Area / North Coast August 23, 2023	WRC Chico Area September 21, 2023	FGC San Jose Area October 11, 2023	FGC San Jose Area October 12, 2023	MRC San Diego Area November 16, 2023	TC San Diego Area December 12, 2023	FGC San Diego Area December 13, 2023	FGC San Diego Area December 14, 2023	WRC TBD January 2024
Santa Cruz Harbor Salmon Fishing (FGC Petition 2016-018)	TBD																						
European Green Crab (FGC Petition 2017-006)	TBD																						
Wildlife Areas/Public Lands <sup>4</sup>	TBD																						
Possess Game / Process Into Food	TBD																						
American Zoological Association / Zoo and Aquarium Association	671.1																						
Night Hunting in Gray Wolf Range (FGC Petition #2015-010)	474																						
Shellfish Aquaculture Best Management Practices	TBD																						
Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition 2017-008)	TBD																						
Ridgeback Prawn Incidental Take Allowance	120(e)																						
<u>Possession of Wildlife and Wildlife Rehabilitation</u>	<u>679</u>																						
North Yuba River Special Fishing Regulations (FGC Petition 2021-020) <sup>8</sup>	TBD																						
<u>Commercial Take of Pacific Herring; Lampara Bait Nets</u> <sup>7</sup>	<u>163, 163.4</u>																						

## KEY

FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee OAL = Office of Administrative Law  
 EM = Emergency EE = Emergency Expires E = Anticipated Effective Date (RED "X" = expedited OAL review) EUF = Effective Upon Filing w/ Secretary of State

N = Notice Hearing D = Discussion Hearing A = Adoption Hearing V = Vetting R = Committee Recommendation

4 = Includes FGC Petition 2018-003 6 = Includes FGC Petition 2019-012 7 = Includes FGC Petition 2020-015 8 = To be included in a future sportfishing regulations update