

Staff Summary for April 17-18, 2024

27B. 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 February 14-15, 2024
- **Today consider approving changes to the rulemaking timetable April 17-18, 2024**

Background

This is a standing agenda item for staff and the Department to request changes to the Commission's rulemaking timetable (Exhibit 2), confirm changes made by the Commission during this meeting, and highlight minor changes made by staff.

The Department recommends two changes to the rulemaking timetable:

- Schedule a "Possession of Wildlife and Wildlife Rehabilitation" rulemaking, which is currently under "Future Rulemakings: Schedule to be Determined," to repeal Section 679 and add Sections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, and 679.9, as well as a manual and associated forms. This rulemaking is necessary to overhaul how the Department administers the wildlife rehabilitation program. The proposed rulemaking schedule is notice in June 2024, discussion in August 2024, and adoption in October 2024.
- Add a "White Sturgeon Harvest and Reporting" rulemaking to amend Sections 1.74, 5.79, 5.80, 27.90, 27.92 and 701, and add Section 701.1. This rulemaking is necessary to revise management of the white sturgeon sport fishery and would provide the Commission with three different management options to consider: (1) catch-and-release only; (2) limited entry harvest tag; and (3) real-time quota. The proposed rulemaking schedule is notice in June 2024, discussion in August 2024, and adoption in October 2024.

Proposed regulation changes for both wildlife rehabilitation and white sturgeon have been discussed at multiple Commission Wildlife Resources Committee meetings.

Staff requests additional adjustments as shown under Agenda Item 27C, *Future Meetings and New Business*. Commission staff suggests adjusting the days upon which items are heard by moving wildlife and inland fisheries items to day one and marine items to day two for the June 2024 meeting. Additionally, staff requests that two recently withdrawn rulemakings be added back to the timetable for adoption: (1) Special Hunts Permits and Drawings and (2) Mitigating Risks for Cervid Importation and Movement. If approved under Agenda Item 27C, the schedule will be adjusted on the draft timetable accordingly.

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Significant Public Comments (N/A)

Recommendation

Commission staff: Approve the proposed changes to the rulemaking timetable as identified in this staff summary and Exhibit 2, and any other additional changes identified during this meeting.

Exhibits

1. [Department memo, received April 8, 2024](#)
2. [Perpetual Timetable for Regulatory Actions, dated April 11, 2024](#)

Motion

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

Memorandum

Date: April 4, 2024

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

From: Charlton H. Bonham
Director

Subject: **April 2024 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) 2024 regulatory timetable for amendments to Title 14, California Code of Regulations (CCR):

1. Move the proposed rulemaking, "Possession of Wildlife and Wildlife Rehabilitation" from the TBD calendar to a June 2024 Notice. This proposal aims to strike and replace Section 679 with new subsections 679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, and 679.9, a manual, and associated forms. These proposed changes overhaul how the Department administers the wildlife rehabilitation program. The proposed rulemaking schedule following notice is discussion at the August 2024 meeting and adoption at the October 2024 meeting.
2. Add a new rulemaking, "White Sturgeon Harvest and Reporting" requesting to publish notice at the June 2024 meeting, amending sections and associated forms in sections 1.74, 5.79, 5.80, 27.90, 27.92, 701, and adding 701.1. These changes would provide options for Commission consideration for a revised management of the White Sturgeon Sport Fishery: with a catch and release only option, a limited entry harvest tag option. and a real-time quota option. The proposed rulemaking schedule following notice is discussion at the August 2024 meeting and adoption at the October 2024 meeting.

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.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

Nathaniel Arnold, Acting Chief
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Melissa Miller-Henson, Executive Director
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Jay Rowan, Branch Chief
Fisheries Branch

Scott Gardner, Branch Chief
Wildlife Branch

Ona Alminas, Env. Program Manager
Regulations Unit
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Fish and Game Commission:

David Thesell, Program Manager
Fish and Game Commission

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

April 11, 2024

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

Subject of Rulemaking	Title 14 Section(s)	FGC Teleconference March 26, 2024	MRC San Clemente Area March 19, 2024	TC San Jose April 16, 2024	FGC San Jose April 17, 2024	FGC San Jose April 18, 2024	FGC Teleconference May 15, 2024	WRC Yreka May 16, 2024	FGC Mammoth Lakes June 19, 2024	FGC Mammoth Lakes June 20, 2024	MRC Santa Rosa Area July 18, 2024	TC Fortuna August 13, 2024	FGC Fortuna August 14, 2024	FGC Fortuna August 15, 2024	MRC San Jose Area September 12, 2024	FGC Sacramento October 9, 2024	FGC Sacramento October 10, 2024	MRC Sacramento November 7, 2024	TC San Diego Area December 10, 2024	FGC San Diego Area December 11, 2024	FGC San Diego Area December 12, 2024	WRC Southern California January 15, 2025	FGC Sacramento February 12, 2025	FGC Sacramento February 13, 2025
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)					D	A				E 7/16													
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)					D	A							E 8/15										
Waterfowl (Annual)	502					A				E 6/30														
Inland Sport Fish Bag Limits, Gear, and Low-Flow Information	2.30, 5.50, 7.50, 8.00					N			D	D				A								E 1/1		
Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs)	632			E 4/1																				
Special Hunt Permit Issuance and Drawings in ALDS	702, 715						A																	
Mitigating Risks for Cervid Importation and Movement	<u>257.5, 475, 676, 681, 712, 714</u>						A																	
Klamath River Dam Removal Sport Fishing	7.40(b)(50), 7.50(b)(73)			E 4/1							E 7/1													
Department Lands ^{1, 2}	540, 550, 551, 630																							
Recreational California Halibut Emergency (First 90-Day Extension)	28.15	EE 2/29																						
Recreational California Halibut Emergency (Second 90-Day Extension)	28.15	E 2/29								EE 5/29														
Recreational California Halibut Updates	28.15									E 5/29														
Recreational Sea Urchin Bag Limit Exemption	29.06			E 4/1																				
Exotic Game Mammals / Wild Pig Validation	250, 251.5, 252, 257.5, 258, 350, 352, 353, 368, 375, 376, 377, 378, 379, 401, 465.5, 679, 708, 13										E 7/1													
White Sturgeon Emergency	5.79, 5.80, 27.90, 27.92						EE 5/15																	
White Sturgeon Emergency (First 90-Day Extension)	5.79, 5.80, 27.90, 27.92					A	E 5/15				EE 8/12													
White Sturgeon Emergency (Second 90-Day Extension)	5.79, 5.80, 27.90, 27.92								A	A	E 8/12									EE 11/10				
White Sturgeon Certificate of Compliance	5.79, 5.80, 27.90, 27.92					N			D	D				A						E 11/10				
Recreational Fishing Regulations for Federal Groundfish	27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56	A		E 4/1 (X)																				
Fisheries Logbook Forms and Fishing Block Charts	120.7, 122, 165, 180, 190, 197, 705.1				N				D	D			A									E 1/1		
California Halibut and White Seabass Gillnet Fisheries Management Measures	174.1				N				D	D			A									E 1/1		
Possession of Wildlife and Wildlife Rehabilitation	<u>679.1, 679.2, 679.3, 679.4, 679.5, 679.6, 679.7, 679.8, 679.9</u>								N					D			A							
White Sturgeon Harvest and Reporting	<u>1.74, 5.79, 5.80, 27.90, 27.92, 701, 701.1</u>								N					D			A							
Mammal Hunting for 2024-2025 Seasons ⁵	362, 363, 364, 364.1, 554, 555, 555.1, 708.14						A				E 7/1													

Future Rulemakings: Schedule to be Determined

Subject of Rulemaking	Title 14 Section(s)	FGC Teleconference March 26, 2024	MRC San Clemente Area March 19, 2024	TC San Jose April 16, 2024	FGC San Jose April 17, 2024	FGC San Jose April 18, 2024	FGC Teleconference May 15, 2024	WRC Yreka May 16, 2024	FGC Mammoth Lakes June 19, 2024	FGC Mammoth Lakes June 20, 2024	MRC Santa Rosa Area July 18, 2024	TC Fortuna August 13, 2024	FGC Fortuna August 14, 2024	FGC Fortuna August 15, 2024	MRC San Jose Area September 12, 2024	FGC Sacramento October 9, 2024	FGC Sacramento October 10, 2024	MRC Sacramento November 7, 2024	TC San Diego Area December 10, 2024	FGC San Diego Area December 11, 2024	FGC San Diego Area December 12, 2024	WRC Southern California January 15, 2025	FGC Sacramento February 12, 2025	FGC Sacramento February 13, 2025
Santa Cruz Harbor Salmon Fishing (FGC Petition 2016-018)	TBD																							
European Green Crab (FGC Petition 2017-006)	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																							
Ridgeback Prawn Incidental Take Allowance	120(e)																							
Possession of Wildlife and Wildlife Rehabilitation	<u>679</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
 1 = Considers FGC Petition 2017-008 2 = Considers FGC Petition 2018-003 3 = Considers FGC Petition 2020-015 4 = Considers FGC Petition 2021-020 5 = Considers Petition 2021-017