

## STAFF SUMMARY FOR OCTOBER 9-10, 2019

**13B. 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 Aug 7-8, 2019; Sacramento
- **Today consider approving proposed changes to the rulemaking timetable Oct 9-10, 2019; Valley Center**

**Background**

FGC maintains a perpetual timetable for anticipated regulatory actions. At each FGC meeting, staff provides the latest approved timetable with requests for changes from FGC staff and/or DFW (Exhibit 1) highlighted in bolded and underlined blue text (Exhibit 2).

FGC staff made two changes:

- To assist in tracking consideration of granted petitions for regulation changes, FGC staff made an administrative change to the rulemaking timetable to include granted petition numbers where the petitions are expected to be considered.
- The proposed special WRC meeting for Mar 2020, recommended by WRC under Agenda Item 6 for this meeting, is reflected with the exact date to be determined.

DFW makes three requests:

- Move *Simplification of Statewide Inland Fishing Regulations* from TBD to scheduled dates, with final WRC review and recommendation in Mar 2020 (if approved under Agenda Item 6) and rulemaking notice in Jun 2020, discussion in Aug 2020, and adoption in Oct 2020.
- Move up extensions of the current *Klamath River Basin 2084 Emergency* rulemaking, which is set to expire on Dec 24, 2019, with the first 90-day extension scheduled for Dec 2019 and a second 90-day extension scheduled for Feb 2020. At the same time, DFW is preparing to submit a full Klamath River Basin 2084 regular rulemaking to implement a certificate of compliance; DFW proposes to schedule this for notice in Dec 2019, discussion in Feb 2020, and adoption in Apr 2020. The proposed actions will ensure continuous coverage under emergency regulations until the regular rulemaking is completed and approved.
- Remove *Upland Game Bird* regulations from the calendar for 2020 since there are no proposed changes for that year.

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

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**Recommendation**

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

**Exhibits**

1. [DFW memo, received Sep 26, 2019](#)
2. [Proposed timetable for anticipated regulatory actions, dated Sep 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: September 26, 2019

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

From: Charlton H. Bonham (Original signature on file)  
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:

- Clarify the schedule for the "Simplification of Statewide Inland Fishing Regulations" rulemaking to amend Sections 5.00, 7.00, 7.50, and 8.10, T14, CCR.
  - The new proposed schedule is notice at the June 2020 meeting, discussion at the August 2020 meeting, and adoption at the October 2020 meeting.
  - The proposed regulations will be discussed at both the January Wildlife Resources Committee (WRC) and Tribal Committee (TC) meetings.
  - A special WRC meeting will be held in March and a recommendation will be sought to move the package to the full Commission in June.
- Move up a rulemaking to extend the Klamath River Basin 2084 Spring Chinook Salmon emergency rulemaking for Section 7.50(b)(91.2) for 90-days (Phase I) and a secondary 90-days (Phase II).
  - ⊖ Accepting both Phase I and II will provide the time needed to implement a certificate of compliance to ensure that the emergency rulemaking remains in place until a permanent rulemaking is promulgated.

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- Add a rulemaking to make the Klamath River Basin 2084 emergency rulemaking permanent by preparing a Certificate of Compliance for Section 7.50(b)(91.2).
  - The proposed schedule is notice at the December 2019 meeting, discussion at the February 2020 meeting, and adoption at the April 2020 meeting.
  
- Remove the rulemaking for possible amendments to the Upland (Resident) Game Bird annual (2020) regulation review for Section 300, since there are no expected changes for the regulations this year.
  - The revised meeting schedule is to remove the notice at the February 2020 meeting, discussion at the April 2020, and adoption at the June 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](mailto:Michelle.Selmon@wildlife.ca.gov).

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**Fish and Game Commission:**

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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)

				10/3/2019 ITEMS PROPOSED FOR CHANGE ARE SHOWN IN BLUE FONT																												
For FGC Staff Use																																
QUARTERLY EFFECTIVE	DFW/RJ ANALYST	FGC ANALYST	LEAD	REGULATORY CHANGE CATEGORY				ACTION DATE, TYPE AND LOCATION																								
								OCT 8		OCT 9   10		NOV 5		DEC 11   12		JAN 16		JAN 17		FEB 5   6		MAR 17	APR 15   16		MAY 14	MAY 14	JUN 24   25		JUL 21	AUG 18		AUG 19   20
				TC VALLEY CENTER		FGC VALLEY CENTER		MRC SACRAMENTO		FGC SACRAMENTO		WRC LOS ANGELES AREA		TC LOS ANGELES AREA		FGC SACRAMENTO		WRC SACRAMENTO	MRC SANTA ROSA		FGC SACRAMENTO		TELECONFERENCE	WRC SANTA ROSA	FGC SANTA ANA AREA		MRC SAN CLEMENTE AREA	TC FORTUNA AREA		FGC FORTUNA AREA		WRC SACRAMENTO
				File Notice w/OAL by Notice Published		08/13/19 08/23/19		10/15/19 10/25/19						12/10/19 12/20/19						02/18/20 02/28/20					04/28/20 05/08/20			6/30/20 07/03/20				
				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				E 1/1																							
*	MR	CC	MR	Experimental Fishing Permit (EFP) Program (Phase I)	90 and 704				E 1/1																							
*	MR	JS	WLB	Possession of Nongame Animals (Nutria)	473				E 4/1																							
	OA	SF	FB	Klamath River Basin 2084 (Emergency)	7.50(b)(91.2)				EE 12/24																							
	OA	SF	FB	<u>Klamath River Basin 2084 (Emergency) (First 90-day Extension)</u>	<u>7.50(b)(91.2)</u>				<u>E 12/24 through 3/22</u>																							
	OA	SF	FB	<u>Klamath River Basin 2084 (Emergency) (Second 90-day Extension)</u>	<u>7.50(b)(91.2)</u>				<u>E 3/23</u>																							
	OA	SF	FB	<u>Klamath River Basin 2084 (Implementing Certificate of Compliance)</u>	<u>7.50(b)(91.2)</u>				<u>E 3/23 through 6/20</u>																							
	MR	ST	WLB	Wildlife Areas/Public Lands and Ecological Reserves	550, 550.5, 551, 552, 630 and 702				E 6/21																							
	MR	JS	WLB	Mammal Hunting	360, 361, 362, 363, 364 and 364.1				E 6/21																							
	MR	JS	WLB	Waterfowl (Annual)	502, 507				E 7/1																							
	OA	CC	FB	Central Valley Sport Fishing (Annual)	7.50(b)(5), (68), (124), (156.5)				E 7/1																							
	OA	CC	FB	Klamath River Basin Sport Fishing (Annual)	7.50(b)(91.1)				E 7/1																							
	MR	JS	WLB	<u>Upland Game Bird</u>	<u>300</u>				A																							
	OA	JS	FB	<u>Simplification of Statewide Inland Fishing Regulations<sup>2</sup></u>	<u>5.00, 7.00, 7.50, 8.10</u>				N																							

**RULEMAKING SCHEDULE TO BE DETERMINED**

			MR	<u>Santa Cruz Harbor Salmon Fishing (FGC Petition #2016-018)</u>	<u>TBD</u>																			
			MR	<u>European Green Crab (FGC Petition #2017-006)</u>	<u>TBD</u>																			
			WLB	<u>Wildlife Areas/Public Lands<sup>1</sup></u>	<u>TBD</u>																			
	OA	JS	FB	<u>Simplification of Statewide Inland Fishing Regulations</u>	<u>5.00, 7.00, 7.50, 8.10</u>				V															
*	MR	CC	MR	Experimental Fishing Permit (EFP) Program (Phase II)	TBD																			
	OA	SF	FB	<u>Klamath River Basin 2084 (Emergency) (90-day Extension - Phase I)</u>	<u>7.50(b)(91.2)</u>																			
	OA	SF	FB	<u>Klamath River Basin 2084 (Emergency) (90-day Extension - Phase II)</u>	<u>7.50(b)(91.2)</u>																			
	OA	SF	FB	<u>Klamath River Basin 2084 (Implementing Certificate of Compliance)</u>	<u>7.50(b)(91.2)</u>																			
*			MR	Commercial Kelp and Algae Harvest Management	165, 165.5, 704																			
*				Possess Game / Process Into Food	TBD																			
*			OGC	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																			
*				<u>ban of neonicotinoid pesticides on Department Lands (FGC Petition #2017-000)</u>	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

1: Includes FGC Petition #2018-003 & FGC Petition #2018-005; 2: Includes FGC Petition #2018-008