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November 20, 2014

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
VIA EMAIL: fgc@fgc.ca.gov

**Re: Comments on Proposed Regulations for Petitioning the Commission
to Change Regulations (Adding Section 662, Title 14, CCR)**

Dear Honorable Commissioners:

We write on behalf of our client, the National Rifle Association (NRA), to comment on Agenda Item 16 of the Fish and Game Commission's December 3, 2014 Meeting, "Proposed Regulations for Petitioning the Commission to Change Regulations (Adding Section 662, Title 14, CCR)."

I. NRA'S POSITION ON THE PROPOSED REGULATIONS

While the NRA generally supports establishing official procedures for petitioning the Commission, there are concerns that must be addressed before the NRA can offer its full support of the proposed regulations. NRA proposes the following amendments to the proposed regulations that should be incorporated prior to the addition of section 662.

A. The Proposed Regulations Should Mandate Publication of Petitions to Allow for Public Comment.

Presently, the Commission does not publish the contents of pending petitions nor the staff's recommendations on them in the current agenda until *after* the comment period has expired. Because whether a given petition will be agendaized is not made public until it is too late to comment, requiring that the nature and status of the petitions be published in the current agenda prior to the comment period closing would allow for meaningful and critical input from stakeholders on issues raised in petitions. Accordingly, the proposed regulation should be amended to include a provision requiring the publication of petitions, including staff recommendations related thereto, in the general agenda or at least in some format prior to the expiration of the comment period.

B. Subsections (c) and (d) of the Proposed Regulation Should Be Amended to Provide a More Precise Timeline for the Processing of Petitions.

Proposed subsections (c) and (d) provide that petitions will be scheduled for receipt at the next “*available*” Commission meeting. These subsections should be amended to substitute “available” with the word “scheduled.” Use of the term “scheduled” provides a concrete standard for when receipt of the petition will actually take place, thereby avoiding potential disputes between petitioners and Commission staff.

On a similar note, subsection (d) states “after the next available meeting . . .” To be more clear, and more consistent with subsection (c), the word “commission” should be inserted before “meeting.”

C. The Proposed Regulation Should Be Amended to Include Deadlines for the Commission to Act on Pending Petitions.

As currently written, proposed section 662 has no definitive deadlines for action once the Commission has accepted a petition for further consideration. Without such deadlines, there will be no predictable time period for stakeholders to rely on in obtaining a resolution on their petitions. While petitions vary in their scope, requiring from a few hours to address up to years, there should at least be established time periods by which the Commission must report the status of pending petitions; e.g., at every Commission meeting there could be an update on them. Doing so is not only fair to petitioners, but would also save Commission staff time by having a definitive answer for petitioners who inquire about the status of their petitions, and potentially avoid much strife in the process.

D. The Proposed Regulation Should Also Apply to Petitions for Non-Regulatory Amendments

Should the Commission make the changes to proposed section 662 as suggested herein, NRA would further support including petitions for non-regulatory changes within the section’s scope. Having one system for both types of petitions would avoid confusion for both the petitioners and the Commission.

II. CONCLUSION

NRA respectfully requests that the foregoing amendments be made to proposed section 662 – at which time NRA would advance its full support to the Commission’s adoption of such regulation.

Sincerely,

Michel & Associates, P.C.



C.D. Michel

CDM/llq

From: Laura L. Quesada <LQuesada@michellawyers.com>
Sent: Thursday, November 20, 2014 1:50 PM
To: FGC
Cc: Sean Brady
Subject: Regulatory.Comment.Letter.FGC.Petitions.PDF [MA-Interwoven.FID44801]
Attachments: 296095_Regulatory.Comment.Letter.FGC.Petitions.PDF

Dear Honorable Commissioners:

Attached is a letter of today's date. Please confirm receipt. Also, advise if you have any trouble viewing the attachment.

Thank you.

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