

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-adoption Statement of Reasons)

Add Section 662
Title 14, California Code of Regulations
Re: Petitions for Regulation Change

- I. Date of Initial Statement of Reasons: October 21, 2014
- II. Date of Pre-adoption Statement of Reasons: January 29, 2015
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: October 8, 2014
Location: Mt. Shasta, CA
 - (b) Discussion Hearing Date: December 3, 2014
Location: Van Nuys, CA
 - (b) Adoption Hearing: Date: February 11, 2015
Location: Sacramento, CA
- IV. Description of Modification of Originally Proposed Language of Initial Statement of Reasons:
- In subsection 662(b), the proposed regulation has been revised to clarify that a petition may be rejected if **any** petition requesting a **functionally equivalent** regulation change was considered within the previous twelve months. In addition the proposed regulation has been revised to clarify that new information means information not submitted in a previous petition.
- In subsection 662(d), the proposed regulation has been revised to clarify that a petition will be scheduled for consideration at the next available **Commission** meeting after the meeting of receipt.
- V. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:
- The proposed modifications have been made for clarity purposes.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:
- See Attachment A.

Updated Informative Digest/Policy Statement Overview

Under current law (Government Code Section 11340.6) any interested person may petition the Fish and Game Commission (Commission) to adopt, amend or repeal a regulation. This section also requires that any petition clearly and concisely state the substance or nature of the requested regulation change, the reason for the request, and reference to the authority of the Commission to take the requested action.

The proposed action adds new Section 662, Title 14, California Code of Regulations (CCR). The proposed regulation outlines the process under which petitions will be evaluated and scheduled for receipt and Commission action and requires the use of the form entitled "PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATORY CHANGE," FGC 1 (New 10/23/14, and being incorporated by reference), for submitting regulation change proposals.

In subsection 662(b), the proposed regulation has been revised to clarify that a petition may be rejected if *any* petition requesting a *functionally equivalent* regulation change was considered within the previous twelve months. In addition the proposed regulation has been revised to clarify that new information means information not submitted in a previous petition.

In subsection 662(d), the proposed regulation has been revised to clarify that a petition will be scheduled for consideration at the next available *Commission* meeting after the meeting of receipt.

The benefits of the proposed regulation are increased transparency and understanding of the Commission's regulatory process and consistency in the processing of public requests for regulation change.

Commission staff has searched the CCR and has found that the proposed regulation is neither inconsistent nor incompatible with existing State regulations.

Chapter 2 of Subdivision 3, of Division 1, Title 14, California Code of Regulations is renamed:

Chapter 2. Commission Business Practices and Procedures

Section 662, Title 14, California Code of Regulations, is added to read:

§662. Petitions for Regulation Change.

The following rules and procedures govern the submission and review of petitions for adding, amending, or repealing regulations under the authority of the commission:

- (a) Petition Requirement. Except for the department, every person or agency recommending that a regulation be added, amended, or repealed must submit a petition to the commission using the authorized petition form (PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE, FGC 1 (New 10/23/14), which is incorporated by reference herein), available at www.fgc.ca.gov.
- (b) Staff Review of Petition: A petition will be rejected by commission staff if it is not submitted on form FGC 1 (New 10/23/14), if it fails to contain necessary information in each of the categories listed on FGC 1, if it does not pertain to regulations under the commission's authority, or if ~~a similar~~ a petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no new information or data is being submitted beyond what was previously submitted. A rejected petition will be returned to the petitioner by the commission staff within 10 working days of receipt.
- (c) Commission Receipt of Petition and Transmittal of Petition to the Department: A complete petition will be scheduled for receipt at the next available commission meeting and may be forwarded to the department for initial evaluation.
- (d) Commission Action on Petition: The petition will be scheduled for consideration at the next available commission meeting after the meeting of receipt as identified in subsection (c). The commission will consider the petition, the commission staff's recommendation, department's initial evaluation, if any, and any oral or written public comments received, and may take one or more of the following actions:
- (1) If the commission finds that the petition does not provide sufficient information to indicate that the petitioned change may be warranted, the commission may reject the petition.
- (2) If the commission finds that the petition provides sufficient information to indicate that the petitioned change may be warranted, the commission may accept the petition for further consideration and direct one or more of the following actions:
 - (A) Add the petitioned change to its rulemaking schedule. Further proceedings of the commission on the petitioned change will be held in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
 - (B) Refer the petitioned change to one of the commission's committees to gather additional public input and for a committee evaluation and recommendation pursuant to sections 105 and 106 of the Fish and Game Code.

(C) Refer the petitioned change to the department for further evaluation and recommendation.

(e) A petition referred to a committee pursuant to subsection (d)(2)(B) or to the department pursuant to subsection (d)(2)(C) will be reconsidered pursuant to subsection (d) once the evaluation and recommendation has been received from the committee or department.

Note: Authority: Section 108, Fish and Game Code. Reference: Sections 108 and 207, Fish and Game Code; Sections 11340.6 and 11340.7, Government Code.