

STAFF SUMMARY FOR FEBRUARY 10-11, 2016

41B. FUTURE MEETINGS – REGULATIONS PERPETUAL TIMETABLE**Today's Item**Information Action

Review and acknowledge requested changes to the perpetual timetable for anticipated regulatory actions.

Summary of Previous/Future Actions (N/A)**Background**

At each FGC meeting, FGC staff provides the latest approved timetable along with any requests for changes.

Through memos (Exhibits B2 and B3) DFW and FGC staff have requested changes to the FGC 2015 regulatory timetable (Exhibit B2):

Recommendation

FGC staff: Acknowledge that requested changes to the regulatory timetable are acceptable.

DFW: See Exhibit B2 for DFW's requested changes.

Exhibits

- B1. [Amended rulemaking calendar](#)
- B2. [DFW memo, received Jan 25, 2016](#)
- B3. [FGC staff memo, dated Feb 2, 2016](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the proposed amendments to the rulemaking calendar.

PERPETUAL TIMETABLE FOR CALIFORNIA FISH AND GAME COMMISSION ANTICIPATED REGULATORY ACTIONS

Updated: 02/02/16

ITEMS PROPOSED FOR CHANGE ARE SHOWN IN **BLUE**

For FGC Staff use.				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2016																	2017
						FEB	MAR	MAR	APR	APR	APR	MAY	JUN	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN		
						10	11	15	21	12	13	14	18	18	21	22	23	21	24	25	21	19	20
QTRLY PUB	DFWRU ANALYST	FGC ANALYST	LEAD			FGC SACRAMENTO	TELECONFERENCE	MRC LOS ALAMITOS	TRIBAL COMMITTEE GEYSERVILLE	FGC SANTA ROSA	TELECONFERENCE	WRC WEST SACRAMENTO	TRIBAL COMMITTEE TBD	FGC TBD	MRC PETALUMA	FGC FOLSOM	WRC WOODLAND	FGC TBD	MRC IRVINE	FGC SAN DIEGO	WRC TBD		
						File Notice w/OAL by	12/15/15	1/19/16			2/16/16	2/23/16							4/26/16		6/28/16		8/11/15
Notice Published	12/24/15	1/29/16			2/26/16	3/4/16								5/6/16		7/8/16		8/21/15		10/23/15			
*	SB	SF	MR	MARINE PROTECTED AREAS	632			E 3/1															
*	MR	ST	OGC	GRAY WOLF	670.5			E 3/1															
	SB	JS	FB	SPORT FISH	1.05 et al.			E 3/1				R				N			D			A	
	SB	SF	MR	PACIFIC HALIBUT SPORT FISHING	28.20	D				A		E 5/1										N	
*	SB	SF	MR	OCEAN SALMON SPORT FISHING (PHASE I)	27.80(c)	D		A		E 4/1												N	
	SB	SF	MR	OCEAN SALMON SPORT FISHING (PHASE II)	27.80(d)	D					A	E 5/1										N	
	SB	SF	FB	KLAMATH RIVER SPORT FISHING	7.50(b)(91.1)	D					A	V				E 8/1						N	
		ST	OGC	CLEAR LAKE HITCH	670.5		A			E 4/1													
		ST	OGC	TRICOLORED BLACKBIRD - 2084 EMERGENCY	749		EM									180 Days Expires 8/9/16							
	SB	ST	FB	UPPER SACRAMENTO RIVER EMERGENCY	7.50(b)(156.5)		EM									180 Days Expires 8/9/16							
	MR	JS	FB	CENTRAL VALLEY SALMON SPORT FISHING	7.50(b)		D				A					E 8/1						N	
	MR	JS	WLB	MAMMAL HUNTING 2016-2017	265 et al.		D				A	V			E 7/1							N	
	SB	JS	FB	FISHERIES AT RISK EM 1ST 90 DAY EXTENSION	8.01			90 Day Ext. Expires 3/29															
	SB	JS	FB	FISHERIES AT RISK EM 2ND 90 DAY EXTENSION	8.01			EM	OAL NLT 3/19						90 Day Ext. Expires 6/29								
	SB	JS	FB	FISHERIES AT RISK REGULAR RULEMAKING	8.01		D				A			Effective NLT 6/28/2016									
	SB	JS	LED	SF/SAN PABLO TIDAL BOUNDARY CHANGE	7.50		N				D	A		E 6/8									
	MR	JS	WLB	WATERFOWL	502		N				D/A				E 7/1							N	
*	MR	CW	MR	ELECTRONIC REPORT OF MARINE LOGBOOKS	190		N				D/A				E 7/1								
*	MR	ST	MR	COMMERCIAL SEA URCHIN (PHASE I)	120.7		N				D/A				E 7/1								
*		SF	FGC	COMMISSION MEETING PROCEDURES	665		D				AD				A			E 10/1					
*	SB	ST	MR	SPINY LOBSTER, SPORT AND COMMERCIAL	29.80 et al.		N				D			A			E 10/1						
	SB	CW	WLB	NONLEAD AMMUNITION COUPON PROGRAM	250.2												E 10/1						
	SB	JS	FB	TIDAL WATERS SF/SAN PABLO BAY	1.53 27.00 28.65(a)																	E 12/1	
	SB	CW	WLB	DFW LANDS PASS	550 et al.		N				DN				AD		A					E 12/1	
*	MR	JS	WLB	FALCONRY CLEAN-UP	670		N				DN				AD		A					E 12/1	
		CW	FGC	CONFLICT OF INTEREST CODE	782		N				N				D/A		D/A					E 12/1	
	MR	SF	MR	PACIFIC HALIBUT SPORT CONFORMANCE PROCESS	28.20						N				D		A		E 10/1				
	MR	CW	WLB	UPLAND (RESIDENT) GAME BIRD	300						N				D		A		E 9/1			R	
	MR	CW	WLB	NONGAME ANIMALS - GENERAL PROVISIONS	472		N				D/A				N		D/A					E 12/1	
	SB	SF	MR	COMMERCIAL HAGFISH BARREL TRAPS	180.6(b)										N		D/A					E 12/1	
	MR	SF	MR	RECREATIONAL GROUND FISH	27.20 et al.											N						D	
	SB	CW	EB	ENHANCE PENALTIES FOR GAME ILLEGAL TAKE	715 (new)							V				N				A			
	MR	JS	WLB	BIG GAME TAG QUOTA REPORTING PROCESS	360, 361, 362, 363, 364											N				D		A	
*			MR	KELP AND ALGAE HARVEST MANAGEMENT	165, 165.5, 704										V					V			
	MR	SF	MR	PACIFIC HALIBUT SPORT CONFORM. PROCESS [2016]	28.20																		
*			MR	COMMERCIAL SEA CUCUMBER [2016]	128																		
		ST	MR	COMMERCIAL SEA URCHIN (PHASE II) [TBD]	120.7																		
			OGC	AZA/ZAA [TBD]	671.1																		

EM = Emergency, E = Anticipated Effective Date (RED = expedited review), N = Notice Hearing, D = Discussion Hearing, A = Adoption Hearing, V = Vetting, R = Committee Recommendation, WRC = Wildlife Resources Committee, MRC = Marine Resources Committee

Memorandum

Date: January 25, 2016

To: Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: Request for changes to the Fish and Game Commission's 2016 regulatory calendar.

The Department of Fish and Wildlife requests the following schedule changes to the Fish and Game Commission's 2016 regulatory calendar:

- Move the request to publish notice of the Commission's intent to amend the Lands Pass regulations in sections 550 *et seq.* from the February 2016 meeting to the April 2016 meeting in Santa Rosa, with discussion at the June 2016 meeting and adoption at the August 2016 meeting. The Department has added additional properties to the list of areas requiring a lands pass for access.
- Move the request to publish notice of the Commission's intent to amend the falconry regulations in Section 670 from the February meeting in Sacramento to the April meeting in Santa Rosa. Discussion would occur at the June meeting, with adoption at the August meeting.
- Remove the request to publish notice of the Commission's intent to develop an automatic conformance process for federal Pacific halibut regulations from the April meeting. Department staff would like to defer this action until later in 2016 to allow staff adequate time to scope and develop the automatic conformance process.
- Add a request to publish notice of the Commission's intent to amend regulations for the take of non-native deer and domestic pigeons to the June meeting in Huntington Beach. Discussion and adoption would occur at the August meeting. This item was removed from the big game package noticed by the Commission in December 2015.
- Add a request to publish notice of the Commission's intent to amend regulations defining tidal waters and finfish gear restrictions in San Francisco and San Pablo bays (Sections 1.53 and 27.00, and Subsection 28.65(a), Title 14, CCR) to the April agenda. Discussion and adoption would be scheduled for the June and August meetings, respectively.
- Add a request to publish notice of the Commission's intent to adopt new regulations in Section 250.2 regarding procedures for issuing coupons for nonlead ammunition to the April meeting. Discussion and adoption would occur at the June meeting.
- Add a request to publish notice of the Commission's intent to amend the regulations for the use of barrel traps in the commercial hagfish fishery (Section 180.6(b), Title 14 CCR) to the June agenda. Discussion and adoption would occur at the August meeting.

If you have any questions or need additional information, please contact Regulations Unit Manager, Craig Martz at (916) 653-4674 or by email at Craig.Martz@wildlife.ca.gov.

Fish and Game Commission

January 25, 2016

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STATE OF CALIFORNIA
FISH AND GAME COMMISSION
MEMORANDUM

DATE: February 2, 2016

TO: Commission Members

FROM: Commission Staff

SUBJECT: **Recommended changes to the perpetual timetable for rulemaking actions**

No later than January 30 each year, FGC submits to the Office of Administrative Law (OAL) a rulemaking calendar with known rulemakings for that year, pursuant to the Administrative Procedure Act (Government Code, Section 11017.6). The calendar is published in the California Regulatory Notice Register, and is used by OAL and the California Department of Finance in scheduling their regulatory reviews.

In 2014 the Commission began using a perpetual timetable of regulatory actions format for tracking its rulemaking calendar. The perpetual timetable reflects changes, additions and deletions as they occur throughout the year and any anticipated changes for the next 12 months.

Staff recommends a timetable change for the Commission Meeting

Procedures rulemaking. At its Dec 9-10, 2015 meeting in San Diego, the Commission provided staff with specific guidance regarding the elements of a Commission meeting procedures rulemaking and authorized staff to publish notice for discussion at the February 10-11, 2016 meeting. Given the recent changes in the Commission office, staff has been unable to complete a draft ISOR for consideration under the original timeline. Staff requests that the discussion hearing be moved to the April 13-14, 2016 Commission meeting, with the adoption hearing moved to the June 22-23, 2016 Commission meeting.

Staff also recommends a timetable change for the Conflict of Interest Code

rulemaking. At its December 9-10, 2015 meeting in San Diego, the Commission was scheduled to approve a conflict of interest code; however, new information was provided by legal counsel that a formal, multi-agency rulemaking was necessary. The Commission therefore directed staff to provide notice at the February 10-11, 2016 Commission meeting with a proposed discussion and adoption at the June 22-23, 2016 Commission meeting. Subsequent conversations were necessary to better define the process, leading to a need for additional time to develop the initial statement of reasons. Staff requests that the notice hearing be moved to the April 13-14, 2016 Commission meeting and the discussion and adoption hearing be moved to the August 24-25, 2016 Commission meeting.