



transparency and provide consistent guidance on the Commission's rulemaking process, Commission staff recommends the Commission adopt a regulation and require the use of a form for submitting regulation change proposals.

The proposed regulations add new Section 662, Title 14, California Code of Regulations (CCR), and require that every person petitioning the Commission for a regulation to be added, amended or repealed must use the authorized petition form [FGC 1 (New 10/23/14)].

Under the proposed regulations, Commission staff will review the petition and will reject a petition if it is not submitted on form FGC 1, if it fails to contain necessary information in each of the categories listed on the form FGC 1, if it does not pertain to issues under the Commission's authority, or if a similar regulation change was considered within the previous 12 months and no new information or data is being submitted beyond what was previously submitted.

The proposed regulations specify that an incomplete petition will be returned to the petitioner by the Commission staff within 10 working days of receipt, and that a complete petition will be considered in a two-meeting series:

- At the first meeting, the Commission will formally receive the petition. The petition may also be forwarded to the Department for initial evaluation.
- At the second meeting, the Commission will consider the petition, the Commission staff's recommendation, the Department's initial evaluation, if any, and any oral or written public comments received. At this meeting, the Commission may reject a petition if it finds the petition does not provide sufficient information to indicate that the petitioned change may be warranted, may add the petitioned change to its rulemaking schedule, may refer the petition to one of the Commission's committees for further public input and committee evaluation and recommendation, or may refer the petition to the Department for evaluation and recommendation.

Proposed Form FGC 1 (New 10/23/14) requires the petitioner to provide the following information:

- Petitioner contact information
- Category of regulation change being proposed
- Whether the proposal will add, amend or repeal a regulation
- Whether the petition is related to a previous petition which was rejected
- Authority and reference citations, if known
- A summary of the proposed changes to regulation
- The rationale for the proposed change

- The desired effective date and, if applicable, the nature of the emergency requiring immediate implementation
- Supporting data, reports or other documents, if any
- Any known economic and/or fiscal impacts
- Identification of any forms to be created, amended or repealed

The proposed regulations will also rename Chapter 2 of Subdivision 3, of Division 1, Title 14, CCR, as “Commission Business Practices and Procedures.”

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

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section 108, Fish and Game Code.

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

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

Economic Impact Assessment

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed regulations.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified or brought to the attention of Commission staff.

- (b) No Change Alternative:

Under the no change alternative, the public would continue to be confused regarding the scheduling and timing of Commission action on regulation change requests, and petitions for regulation changes would continue to be presented in inconsistent formats, often lacking critical information.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations only affect the process through which the Commission will receive and consider petitions for regulation changes.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare in an increase in transparency and understanding of the Commission's regulatory process and consistency in the processing of public requests for regulation change

The Commission does not anticipate any benefits to worker safety or the environment.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

## 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.

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.