

STAFF SUMMARY FOR JUNE 20-21, 2018

36B. ADMINISTRATIVE ITEMS – RULEMAKING TIMETABLE**Today's Item**Information Action

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

Summary of Previous/Future Actions

- FGC approved changes to rulemaking timetable Apr 18-19, 2018; Ventura
- **Today approve proposed rulemaking timetable Jun 20-21, 2018; Sacramento**

Background

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

For this meeting, FGC staff has made the following changes:

- *Commercial non-cancer crab incidental take rulemaking*: Amend the list of Title 14 section numbers;
- *Lassics lupine, tricolored blackbird and coast yellow leptosiphon*: Add to the “schedule to be determined” list while awaiting draft findings.

DFW has submitted a request for several changes to the rulemaking timetable (Exhibit 2):

- *Recreational take of red abalone*: Move up rulemaking from “schedule to be determined” to be noticed at the Aug 2018 meeting, discussed at the Oct 2018 meeting, and adopted at the Dec 2018 meeting. DFW made this request anticipating a proposal to extend the existing closure in the absence of data supporting reopening the fishery or an adopted fishery management plan; the closure currently sunsets on Apr 1, 2019.
- *State logbook requirement for federal fisheries*: Add a rulemaking to amend sections 107, 174 and 176 to repeal or revise requirements, to be noticed at the Aug 2018 meeting, and discussed/adopted at the Dec 2018 meeting. This rulemaking was identified by DFW’s Marine Region as a priority as it will remove redundant logbook regulations, enable efficient logbook processing at the federal level, and result in annual cost savings to DFW.
- *Commercial ridgeback prawn incidental take regulations*: Delay the rulemaking to consider changes to subsection 120(e) and move to the “schedule to be determined” section of the timetable. DFW’s Law Enforcement Division has identified an issue with the regulatory language that must be resolved prior to notice.

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

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

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Exhibits

1. [Proposed timetable for anticipated regulatory actions, dated Jun 6, 2018](#)
2. [DFW memo requesting changes to the FGC timetable, received Jun 8, 2018](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the proposed changes to the rulemaking timetable.

California Fish and Game Commission – Perpetual Timetable for Anticipated Regulatory Actions

(dates shown reflect the date intended for the subject regulatory action)

Updated: 06/06/18

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

For FGC Staff Use				REGULATORY CHANGE CATEGORY	ACTION DATE, TYPE AND LOCATION	2018										2019											
QUARTERLY EFFECTIVE	DFW RU ANALYST	FGC ANALYST	LEAD			JUN 19	JUN 20	JUN 21	JUL 17	AUG 22	AUG 23	SEP 20	OCT 16	OCT 17	OCT 18	NOV 14	DEC 12	DEC 13	JAN TBD	FEB TBD	FEB TBD	MAR TBD	APR 18	APR 19	MAY TBD		
						TC SACRAMENTO	FGC SACRAMENTO	MRC SAN CLEMENTE	FGC FORTUNA	WRC SACRAMENTO	TC FRESNO	FGC FRESNO	MRC SACRAMENTO	FGC OCEANSIDE	WRC TBD	TC TBD	FGC TBD	MRC TBD	FGC TBD	WRC TBD							
				File Notice w/OAL by	04/24/18		06/26/18		08/21/18		10/16/18																
				Notice Published	05/04/18		07/06/18		08/31/18		10/26/18																
				Title 14 Section(s)																							
MR	JS	WLB	Mammal Hunting (Annual) if needed	TBD						R						N							A		V		
KM	SF/ST	FB	Central Valley Salmon Sport Fishing (Annual)	7.50(b)(5), (68) & (156.5)			E 7/1			R						N							A		V		
MR	JS	WLB	Waterfowl (Annual)	502			E 7/1			R						N							A		V		
KM	SF	FB	Klamath River Basin Salmon Sport Fishing (Annual)	7.50(b)(91.1)				E 8/1		R						N							A		V		
MR	DT	MR	Recreational Purple Sea Urchin (Emergency)	29.11				180 days						EE 11/7													
MR	JS	WLB	Upland (Resident) Game Bird (Annual)	300		A				E 9/1 V									N					D			
MR	JS	WLB	Sage Grouse Preferential Points and Draw	716		D		A									E 1/1										
SB	SF	FGC	Tribal Take in MPAs	632(b)(33), (34), (97), (98), (112), (117)		D		A									E 1/1										
*	SB	RP/SF	Rockport Rocks Special Closure	632(b)(17)		D		A									E 1/1										
*	SB	RP/JS	Commercial Non-Cancer Crab Incidental Take in Trap Fisheries	125.1(c)(3), 126 and 126.1		N							D/A														
*	SB	RP/ST	Ridgeback Prawn Incidental Take Allowance	120(e)		N						D/A															
TBD	ST	MR	Groundfish	TBD				N									E 1/1										
TBD	TBD	MR	Recreational Take of Red Abalone	29.15				N					D										E 4/1				
*	TBD	TBD	Repeal State Logbook Requirement for Federal Fisheries	107, 174 and 176				N																			
MR	JS	LED	Deer/Elk Tag Validation	708.6, 708.11					N						D												
MR	JS	LED	Archery Equipment and Crossbow	354(f)					N						D												
TBD	JS	FB	Sport Fishing (Annual)	1.05 et al.					N						D								E 3/1		R		
*	TBD	ST	Herring FMP Implementation	163, 163.1, 163.5 and 164									N														
*	MR	ST	Commercial Fisheries Landing Requirements	197				E 7/1																			

RULEMAKING SCHEDULE TO BE DETERMINED

*		MR	Kelp and Algae Harvest Management	165, 165.5, 704				V																	V	
*			Possess Game / Process Into Food	TBD																						
*		OGC	American Zoological Association / Zoo and Aquarium Association	671.1																						
			Night Hunting in Gray Wolf Range	474																						
			Shellfish Aquaculture Best Management Practices	TBD				R																	V	
*		ST	Fisher	670.5																						
*		ST	Northern Spotted Owl	670.5																						
*		ST	Lassics Lupine	670.2																						
*		ST	Tri-colored Blackbird	670.5																						
*		ST	Coastal Yellow Leptosiphon	670.2																						
*			Ban of Neonicotinoid Pesticides on Department Lands	TBD																						
*		MR	Commercial Pink Shrimp Trawl	120, 120.1 and 120.2																						
*		MR	Ridgeback Prawn Incidental Take Allowance	120(e)																						
		MR	Recreational Take of Red Abalone	29.15																						

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

Memorandum

2018 JUN -8 AM 8:30

Date: June 7, 2018

To: Valerie Termini
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
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) 2018 regulatory timetable:

- Move up the TDB rulemaking to amend Section 29.15 to consider changes for the recreational take of red abalone.
 - The requested meeting schedule is notice at the August 2018 meeting, discussion at the October 2018 meeting, and adoption at the December 2018.
- Add a rulemaking to amend sections 107, 174 and 176 for repealing the state logbook requirement for federal fisheries.
 - The requested meeting schedule is notice at the August 2018, and discussion/adoption at the December 2018 meeting.
- Delay the rulemaking to amend subsection 120(e) to consider changes to the ridgeback prawn incidental take regulations.
 - The revised meeting schedule is TBD.

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.

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Valerie Termini, Executive Director
Fish and Game Commission
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