

Memorandum

Date: January 30, 2015

To: President Mike Sutton and Commission Members

From: Commission Staff

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

No later than Jan 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.

Last year FGC began using a perpetual timetable of regulatory actions format for its rulemaking calendar. Now that the rulemaking calendar is adopted, the perpetual timetable will reflect changes, additions and deletions as they occur throughout the year and any anticipated changes for the next 12 months.

Staff recommends timetable changes for three rulemakings scheduled in 2015:

1. **Bobcat Protection Mandate.** At its Dec 3, 2014 meeting in Van Nuys, FGC authorized staff to publish notice of intent to amend Section 478, Title 14 of the California Code of Regulations, to implement the Bobcat Protection Act of 2013. Staff has been diligently working to develop specific regulatory language to reflect the discussion at the Dec meeting. However, in the process of drafting the regulations, issues developed requiring additional discussion with and direction from FGC.
2. **Commercial Sea Urchin.** This is an industry-sponsored regulatory concept, and full industry support is important for moving forward. Unfortunately, factions within the industry have failed to reach complete agreement on the elements of the proposed package. Additional time is needed for the unresolved questions to be addressed and gain industry support. Staff recommends that this rulemaking be moved to the bottom of the timetable with "TBD" listed as the action date and will come back to FGC when it appears there is industry support.
3. **Spiny Lobster, Sport and Commercial.** This package is currently scheduled for notice in Aug, discussion in Oct, and adoption in Dec 2015. However, opening day for commercial lobster season is Oct 7, 2015, which is the same day as the Oct FGC meeting. To avoid a conflict between the season opener and the discussion hearing for proposed sport and commercial lobster regulations, staff recommends removing discussion from the Oct meeting and scheduling an earlier discussion at the Jun 2015 meeting to provide the required number of discussion opportunities for the public. Adoption is still proposed for Dec 2015.