

STAFF SUMMARY FOR JUNE 10-11, 2015

5. REGULATION PETITION PROCESS AND FORM**Today's Item**Information Action

Adopt revised regulation petition process regulation and form FGC1.

Summary of Previous/Future Actions

- Notice hearing Oct 8, 2014, Mt. Shasta
- Discussion hearing Dec 3, 2014; Van Nuys
- Original adoption hearing Feb 11-12, 2015; Sacramento
- **Today's adoption hearing Jun 10-11, 2015; Mammoth Lakes**

Background

At its Feb 11-12 meeting in Sacramento, FGC adopted a proposed regulation and form regarding petitions for regulation change; the Office of Administrative Law (OAL) notified FGC staff that OAL would not approve FGC's regulation and form as written. FGC staff withdrew the rulemaking file from OAL on Apr 21, 2015.

The following revisions were made based on OAL's recommendation:

- Regulatory text concerning a two meeting process was removed;
- Regulatory text concerning referral to DFW or to a committee for evaluation and recommendation prior to commencement of the rulemaking was removed;
- Regulatory text concerning staff review of a petition was clarified to state that a petition may be rejected if the petition fails to contain necessary information in the **required** categories of petition form FGC1;
- Regulatory text stating "If any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted" was moved from the paragraph concerning staff rejection of the petition to the paragraph concerning FGC denial of the petition;
- Petition form FGC1 was revised to clarify which information is required and which information is optional; and
- Petition form FGC1's check box "Reject – same as petition _____" was moved from the section regarding staff action to the section regarding FGC action and changed to "Deny – same as petition _____"

The following revision was recommended by FGC staff:

- In the regulation and on Form FGC1, terminology regarding FGC action on a petition was changed from accept/reject to grant/deny to match terminology in Government Code, Section 11340.7

A 15-day notice of the revisions recommended by OAL and by FGC staff was sent to interested and affected parties on May 20, 2015.

STAFF SUMMARY FOR JUNE 10-11, 2015

If FGC approves the revised regulation and form, staff will re-file the rulemaking file with OAL. If FGC does not approve the revised regulation and form, staff will file a notice of decision not to proceed and the regulation will die.

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

FGC staff: Adopt the revised regulation as recommended by OAL and FGC staff.

Exhibits

1. ISOR with originally proposed regulation and originally proposed petition form FGC1
2. PSOR with revised proposed regulation based on public comment
3. Revised proposed regulation text based on OAL recommendation and staff recommendation
4. Revised proposed petition form FGC1 based on OAL recommendation and staff recommendation
5. Government Code Sections 11340.6 and 11340.7

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts revised proposed Section 662, Title 14, California Code of Regulations, concerning the regulation petition process and form FGC1.

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

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. 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

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

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.

In 2013, the Commission received approximately 80 requests for regulation changes; from January through August 2014, the Commission received 70 requests for regulation changes. The requests are presented to the Commission via mail, email, facsimile and/or oral testimony during a Commission meeting. Many requests lack critical information for the Commission to make an informed decision, leading to additional workload for staff to research and gather relevant information to understand the issue or concern and support decision-making. Often the requests are subsequently forwarded to the Department to provide biological data and expertise, and then added to the agenda of a regularly-scheduled Commission meeting for formal acceptance or rejection.

The public is often confused about the scheduling and timing of Commission action on regulation change requests. To improve

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.

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 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 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.



Tracking Number: (Click here to enter text.)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via facsimile to (916) 653-5040 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the categories listed on this form. A petition will be rejected 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. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION 1: General Information.

1. **Date:** Click here to enter text.
2. **Person or organization requesting the change**
Name of primary contact person: Click here to enter text.
Address: Click here to enter text.
Telephone number: Click here to enter text.
Email address: Click here to enter text.
3. **Category of Proposed Change**
 - Sport Fishing
 - Commercial Fishing
 - Hunting
 - Other, please specify: Click here to enter text.
4. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)
 - Amend Title 14 Section(s): Click here to enter text.
 - Add New Title 14 Section(s): Click here to enter text.
 - Repeal Title 14 Section(s): Click here to enter text.
 - Unknown
5. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or Not applicable.
6. **List of Authority/Reference Citations, if known** Click here to enter text.
(see <https://govt.westlaw.com/calregs>)



SECTION 2: Proposal.

Please be succinct. Responses for Section II should not exceed five pages, excluding supporting documentation (Item 10)

- 7. **Overview** - Summarize the proposed changes to regulations: [Click here to enter text.](#)
- 8. **Rationale** - Describe the problem and the reason for the proposed change. If the proposal is related to a previously submitted petition that was rejected, use highlight or bold font to emphasize the new information and/or data provided: [Click here to enter text.](#)
- 9. **Effective date:** Identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: [Click here to enter text.](#)
- 10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)
- 11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: [Click here to enter text.](#)
- 12. List any forms to be created, amended or repealed: Unknown
[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority
- Reject - same as petition _____
Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

- Rejected by FGC
- Accepted for consideration of regulation change
- Referred for further evaluation: (program and/or individual)

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.

KEY:

Regulatory language originally proposed to be added is shown in single underline format.

Regulatory text newly proposed to be added is shown in highlighted double underline format.

Regulatory language originally proposed to be added but now proposed to be deleted is shown in highlighted single underline and single strikeout format.

Regulatory language proposed to be added to or deleted from subsection (b) in the February 12, 2015 continuation notice is not shown in subsection (b); however, those proposed changes are incorporated in the proposed new subsection (d)(2). Text proposed to be deleted in the February 12, 2015 continuation notice and which remains proposed for deletion is shown in ~~single underline and double strikeout format~~. Text proposed to be added in the February 12, 2015 continuation notice and which remains proposed to be added is shown in highlighted bold underline format.

Regulatory language proposed to be added to subsection (d) in the February 12, 2015 continuation notice and which remains proposed to be added is shown in highlighted bold underline format.

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 required categories listed on FGC 1, or if it does not pertain to regulations 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. 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 An accepted 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: TheAn accepted 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 deny the petition.
 - (2) If a similarany 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, the commission may deny the petition.
 - (2)(3) If the commission finds that the petition provides sufficient information to indicate that the petitioned change may be warranted, the commission may accept grant the petition for further consideration and direct one or more of the following actions:
 - (A) Addadd 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.

KEY:

Originally proposed text for this form is shown in normal format.

Text proposed to no longer be included on this form is shown in ~~strikeout~~ format.

Text newly proposed to be added to this form is shown in underline format.



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (NEW 10/23/14) Page 1 of 2

Tracking Number:

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 ~~or via facsimile to (916) 653-5040~~ or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied, ~~or~~ if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION ~~I~~: General Required Information.

Please be succinct. Responses for Section I should not exceed five pages

~~1. Date:~~

2.1. Person or organization requesting the change (Required)

Name of primary contact person:

Address:

Telephone number:

Email address:

3. Category of Proposed Change

Sport Fishing

Commercial Fishing

Hunting

Other, please specify:

4. The proposal is to: ~~(To determine section number(s), see current year regulation booklet or~~

~~<https://govt.westlaw.com/calregs>~~)

Amend Title 14 Section(s):

Add New Title 14 Section(s):

Repeal Title 14 Section(s):

Unknown

~~5. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition-~~

~~Or Not applicable.~~

~~6.2. List of Authority/Reference Citations (Required); if known~~ [Click here to enter text.](#)

~~(see <https://govt.westlaw.com/calregs>)~~

~~7.3. Overview (Required) - Summarize the proposed changes to regulations:~~ [Click here to enter text.](#)

~~8.4. Rationale (Required) - Describe the problem and the reason for the proposed change. If the proposal is related to a previously submitted petition that was rejected, use highlight or bold font to emphasize the new information and/or data provided:~~ [Click here to enter text.](#)

SECTION 2II: Proposal Optional Information

Please be succinct. Responses for Section II should not exceed five pages, excluding supporting documentation (Item 10)

5. Date of Petition: [Click here to enter text.](#)

6. Category of Proposed Change

Sport Fishing

Commercial Fishing

Hunting

Other, please specify: [Click here to enter text.](#)



7. The proposal is to: *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- Amend Title 14 Section(s): [Click here to enter text.](#)
- Add New Title 14 Section(s): [Click here to enter text.](#)
- Repeal Title 14 Section(s): [Click here to enter text.](#)

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition [Click here to enter text.](#)

Or Not applicable.

~~**7. Overview** - Summarize the proposed changes to regulations:~~

~~**8. Rationale** - Describe the problem and the reason for the proposed change. If the proposal is related to a previously submitted petition that was rejected, use highlight or bold font to emphasize the new information and/or data provided:-~~

9. Effective date: ~~Identify~~ If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency: [Click here to enter text.](#)

10. Supporting documentation: Optional. Identify and attach to the petition any information supporting the proposal including data, reports and other documents: [Click here to enter text.](#)

11. Economic or Fiscal Impacts: Optional. Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: [Click here to enter text.](#)

12. Forms: ~~List~~ If applicable, list any forms to be created, amended or repealed: ~~Unknown~~
[Click here to enter text.](#)

SECTION 3: FGC Staff Only

Date received: [Click here to enter text.](#)

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority
- ~~Reject - same as petition~~ [Click here to enter text.](#)

Tracking Number

Date petitioner was notified of receipt of petition and pending action: _____

Meeting date for FGC consideration: _____

FGC action:

~~Rejected~~ Denied by FGC

Denied - same as petition _____
Tracking Number

~~Accepted~~ Granted for consideration of regulation change

~~Referred for further evaluation:~~ (program and/or individual)

11340.6.

Except where the right to petition for adoption of a regulation is restricted by statute to a designated group or where the form of procedure for such a petition is otherwise prescribed by statute, any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation as provided in Article 5 (commencing with Section 11346). This petition shall state the following clearly and concisely:

- (a) The substance or nature of the regulation, amendment, or repeal requested.
- (b) The reason for the request.
- (c) Reference to the authority of the state agency to take the action requested.

(Added by Stats. 1994, Ch. 1039, Sec. 5. Effective January 1, 1995.)

11340.7.

(a) Upon receipt of a petition requesting the adoption, amendment, or repeal of a regulation pursuant to Article 5 (commencing with Section 11346), a state agency shall notify the petitioner in writing of the receipt and shall within 30 days deny the petition indicating why the agency has reached its decision on the merits of the petition in writing or schedule the matter for public hearing in accordance with the notice and hearing requirements of that article.

(b) A state agency may grant or deny the petition in part, and may grant any other relief or take any other action as it may determine to be warranted by the petition and shall notify the petitioner in writing of this action.

(c) Any interested person may request a reconsideration of any part or all of a decision of any agency on any petition submitted. The request shall be submitted in accordance with Section 11340.6 and include the reason or reasons why an agency should reconsider its previous decision no later than 60 days after the date of the decision involved. The agency's reconsideration of any matter relating to a petition shall be subject to subdivision (a).

(d) Any decision of a state agency denying in whole or in part or granting in whole or in part a petition requesting the adoption, amendment, or repeal of a regulation pursuant to Article 5 (commencing with Section 11346) shall be in writing and shall be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register at the earliest practicable date. The decision shall identify the agency, the party submitting the petition, the provisions of the California Code of Regulations requested to be affected, reference to authority to take the action requested, the reasons supporting the agency determination, an agency contact person, and the right of interested persons to obtain a copy of the petition from the agency.

(Added by Stats. 1994, Ch. 1039, Sec. 6. Effective January 1, 1995.)