

## STAFF SUMMARY FOR DECEMBER 7-8, 2016

**36B. FUTURE MEETINGS – RULEMAKING CALENDAR****Today's Item**Information Action 

Review and acknowledge requested changes to the perpetual timetable for anticipated regulatory actions and adopt FGC's 2017 rulemaking calendar.

**Summary of Previous/Future Actions (N/A)****Background****I. Proposed Changes to Rulemaking Timetable:**

FGC maintains a perpetual timetable for anticipated FGC regulatory actions. At each FGC meeting, staff provides the latest approved timetable along with requests for changes (Exhibit B1).

DFW submitted a memo (Exhibit B2) requesting changes to the FGC timetable for anticipated regulatory actions; DFW requested changes include:

- scheduling a rulemaking for marking requirements for recreational crab and lobster gear, and designating restricted fishing areas for commercial lobster gear at port entrances, with notice, discussion and adoption scheduled for Feb 2017, Apr 2017, and Jun 2017, respectively.

This item is provided to ensure additional rulemaking schedule changes identified during the meeting are also captured.

**II. Proposed 2017 Rulemaking Calendar:**

FGC annually considers proposals from its committees and DFW, and public requests to schedule changes in regulations. The Administrative Procedure Act (Government Code Section 11017.6) requires FGC to report by Jan 30 each year to the Office of Administrative Law (OAL) on the known rulemakings for the calendar year; this information is published in the California Regulatory Notice Register, and is used by OAL and the California Department of Finance in scheduling their reviews. DFW's memo recommending rulemakings to be included on the FGC's 2017 rulemaking calendar is provided in Exhibit B2.

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

**FGC staff:** Provide direction on the scheduling of any proposed rulemaking schedule changes identified by staff verbally during the meeting.

**Exhibits**

1. [Amended timetable for anticipated regulatory actions, updated Nov 29, 2016](#)
2. [DFW memo requesting changes to the FGC timetable and recommending rulemakings for FGC's 2017 rulemaking calendar, received Nov 29, 2016](#)

**Motion/Direction**

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



2016 NOV 29 PM 12:45

## Memorandum

Date: November 28, 2016

To: Valerie Termini, Executive Director  
Fish and Game Commission

From: Charlton Bonham  
Director



Subject: **Request for change to the Fish and Game Commission's Timetable for Anticipated Regulatory Actions**

The Department of Fish and Wildlife requests the following schedule changes to the Fish and Game Commission's (Commission's) 2017 regulatory timetable:

- Add a proposed rulemaking to amend Section 29.80 regarding marking requirements for recreational crab and lobster gear and Section 122 regarding designated restricted fishing areas for commercial lobster gear at port entrances. The proposed regulations are needed to clarify crab trap buoy marking requirements when pulling another person's trap with written permission and to address hoop net buoy marking requirements for licensed guides and operators of Commercial Passenger Fishing Vessels. The designation of a Restricted Fishing Area covering the Port Hueneme safety fairway would address the safety concerns identified by the port in its January 28, 2016 letter to the Commission. In addition, the Dana Point Harbor restricted fishing area would be modified to from its current southerly approach to a more westerly approach to better accommodate vessels entering and leaving the harbor. The notice hearing should be scheduled for the February 9, 2017 meeting, with discussion and adoption at the April 2017 and June 2017 meetings, respectively.

In addition to the above proposal, the Department recommends the Commission include the following rulemakings when submitting its 2017 regulatory calendar to the Office of Administrative Law:

### Annual Rulemakings

- Sport Fishing
- Klamath River Basin Sport Fishing
- Central Valley Salmon Sport Fishing
- Ocean Salmon Sport Fishing Phase I
- Ocean Salmon Sport Fishing Phase II
- Pacific Halibut Sport Fishing
- Commercial Herring
- Mammal Hunting
- Waterfowl Hunting
- Upland Game Bird Hunting

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### Individual Rulemakings

- GPS Collars for Dogs
- Deer Tag Reporting Requirements
- Lobster/Crab Recreational Gear Marking and Restricted Fishing Areas for Port Hueneme and Dana Point Harbor
- Commercial Take of Rattlesnakes
- Electronic Reporting of Commercial Landings
- Nearshore & Deeper Nearshore Fishery Permits
- Abalone Catch Reduction
- Kelp and Algae Harvest Management
- Trapping Fees
- Ban on Night Hunting in Gray Wolf Range
- Shellfish Best Management Practices
- Automatic Conformance Process
- Big Game Tag Quota Reporting Process

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](mailto:Craig.Martz@wildlife.ca.gov).

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