

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

- (a) Joe Exline, written comments dated May 8, 2013 and oral and written comments presented during the Public Forum item at the May 22, 2013 Commission meeting.

Recommendation: Change “commission president” to “presiding commissioner”.

Commission Response: Accept.

- (b) Dennis Fox, letter received May 14, 2013.
Recommendation 1. Too often topics to be discussed are far removed from the area of concern and impacts.

Commission Response: Reject. The Commission does not have the resources to conduct all meetings for all issues in the individual geographies which are affected and many issues under the Commission's authority are of statewide significance. In addition, Fish and Game Code Section 206 requires that the Commission announce the dates and locations of meetings for the year by January 1 of that year or 60 days prior to the first meeting, whichever comes first. All matters for the year will not be known at that time. The Commission can schedule special meetings if necessary, but whenever possible given the time constraints of the issue, attempts to schedule items for those meetings in an appropriate geographic area.

Recommendation 2. Teleconferencing would benefit staff and commissioners' convenience.

Commission Response: Reject. A regulation specifying that Commissioners may participate via telephone would be duplicative. In accordance with the Bagley-Keene Open Meeting Act, Commissioners already may participate via telephone.

A regulation specifying that the public may participate via telephone would be duplicative. In accordance with the Bagley-Keene Open Meeting Act, when the Commission has a meeting with multiple locations listed on the agenda, the public may participate from any of those locations via telephone.

Recommendation 3. The Commission lacks cultural diversity. District-based Commission membership would encourage more diverse input from both the Commission and the public.

Commission Response: Reject. This recommendation is outside the Commission's authority. Commissioners are appointed by the Governor.

Recommendation 4. Seek input from the Oregon Fish and Wildlife Commission about its input experiences and other experiences that may be helpful to the California Commission.

Commission Response: Reject. The Commission does exchange information with other state fish and game commissions via occasional joint meetings with a specific state or states, and during the Western Association of Fish and Wildlife Agencies and (International) Association of Fish and Wildlife Agencies meetings; however, the Commission does not believe this recommendation should be enacted as a regulation.

- (c) Paul Weakland, oral comments June 26, 2013.

Recommendation: Public Forum should be the first item on every agenda.

Commission Response: Reject. The Commission reserves the right to determine the order its agenda items on a case by case basis and not pre-determine the order via regulation.

- (d) **Dennis Fox, written comments September 4, 2013**

Comment 1: Supports proposal that will allow whoever is filling in as chair to set time limits.

Commission Response: Support noted.

Comment 2: Commenter also proposed additional changes to the regulation and provided excerpt from a document which appears to be "The Brown Act, Open Meetings for Local Legislative Bodies" 2003 California Attorney General's Office.

Commission Response: These recommendations are outside the scope of the 15-day notice. The Commission notes that its meetings are conducted pursuant to the Bagley-Keene Open Meeting Act, not the Ralph M. Brown Act

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Wildlife
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No other alternatives were identified.

(b) No Change Alternative:

The Commission would be out of compliance with Fish and Game Code Section 108.

(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 adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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 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. This change will only affect Commission meeting procedures.

- (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 does not anticipate any benefits to the health and welfare of California residents, 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.

Updated Informative Digest/Policy Statement Overview

AB 2609, signed into law in September 2012, added Section 108 to the Fish and Game Code. This new statute requires the California Fish and Game Commission (Commission) to adopt rules to govern business practices and processes by July 1, 2013.

Currently, there are no Commission regulations on its meeting procedures.

Proposed Regulations

This regulatory proposal will add Section 665, Title 14, CCR, Meeting Procedures.

To ensure all speakers are given an equitable share of the speaking time for a Commission meeting agenda item, Section 665 will specify that the Commission president shall set the time available for each speaker during an agenda item.

The proposed regulation is neither inconsistent nor incompatible with existing state regulations. No other state agency has the authority to adopt regulations related to Commission business practices and processes.

At the Commission's June 26, 2013 meeting, it adopted the proposed regulation with a sufficiently related change to the originally proposed language of the Initial Statement of Reasons. In order to accommodate instances when the Commission President is not present at a meeting, "commission president" has been changed to "presiding commissioner".

A 15-day notice of the sufficiently related change to the regulation was mailed to persons identified in Section 44, Title 1, CCR, and posted on the Commission's website on August 26, 2013.

At the Commission's October 2, 2013 meeting, it confirmed the June 26, 2013 decision.

Regulatory Language

Section 665 is added as follows:

§665. Meeting Procedures.

(a) Time limits for speakers at commission meetings.

(1) The time allotted for each speaker wishing to address an agenda item shall be set by the presiding commissioner.

Note: Authority cited: Section 108, Fish and Game Code. Reference: Section 108, Fish and Game Code.