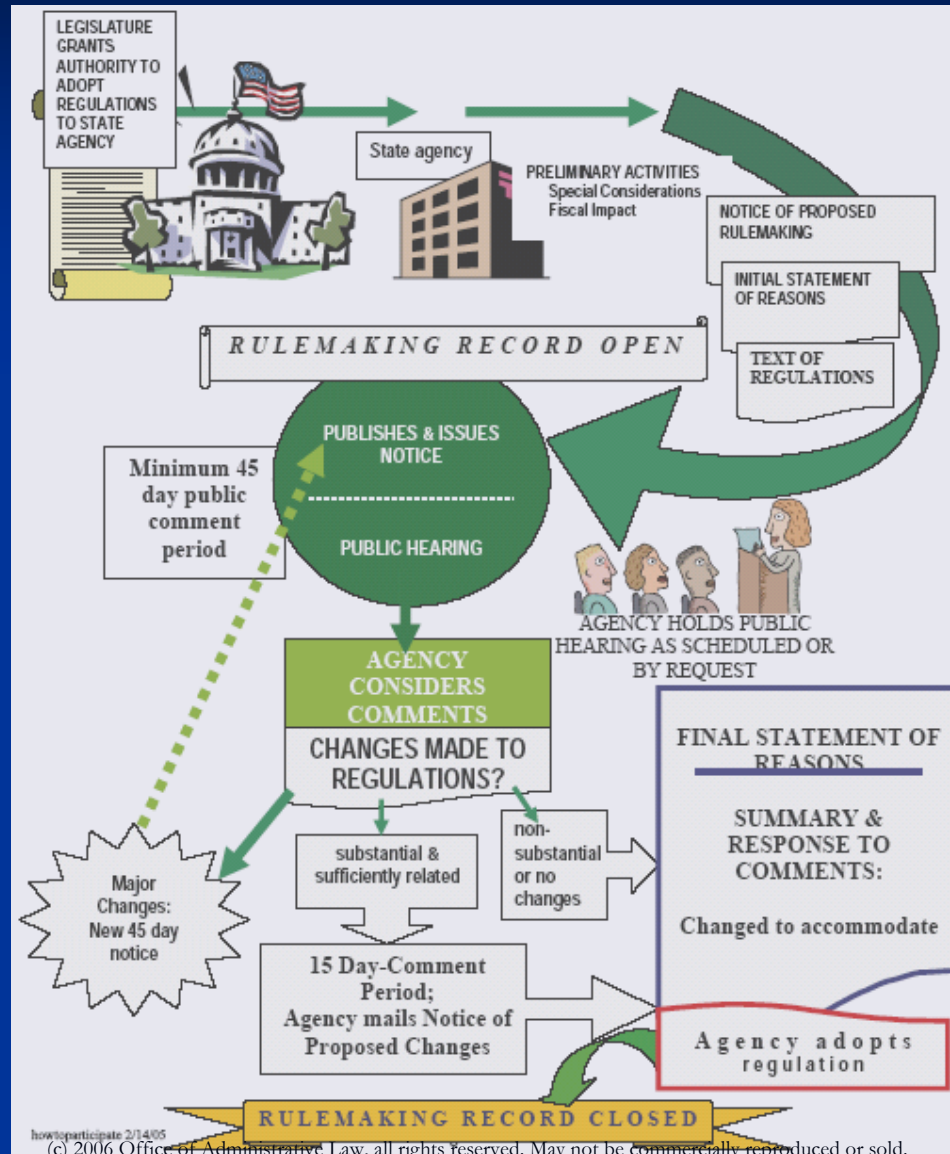


The Regulatory Process:

A Brief Synopsis

THE RULEMAKING PROCESS



PUBLIC PARTICIPATION IN REGULATION PROCESS

Driven by:

- Administrative Procedure Act (APA)
- Fish and Game Code
- Other
 - Commission Policy and Strategic Plan
 - Open Meetings Act
 - CEQA

APA REQUIREMENTS

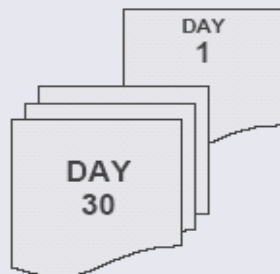
- Prior to Notice of Intent (Complex & Large Proposals)
 - Scoping Meetings and Commission Meetings
- Publication in California Regulatory Notice Register (by OAL)
 - Mail to Interested/Affected Parties
 - Posted on Website (www.fgc.ca.gov)
 - Commission Meeting Agenda
- Public Hearing
- Pre-Adoption Statement (Not required by APA)
- Re-Notice (for Amended Proposals)

OAL REVIEW

OAL REVIEW

State agency must submit rulemaking record within 1 year of notice publication

OAL has 30 WORKING days to review a regulation

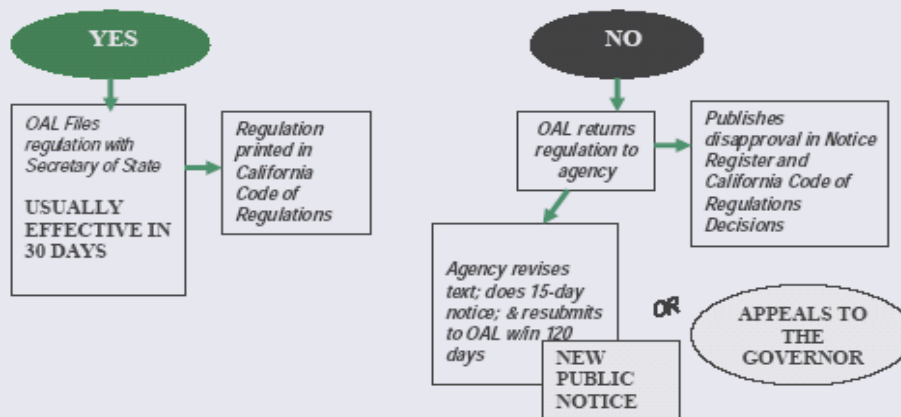


APA STANDARDS:

*AUTHORITY
REFERENCE
CONSISTENCY
CLARITY
NON-DUPLICATION
NECESSITY*

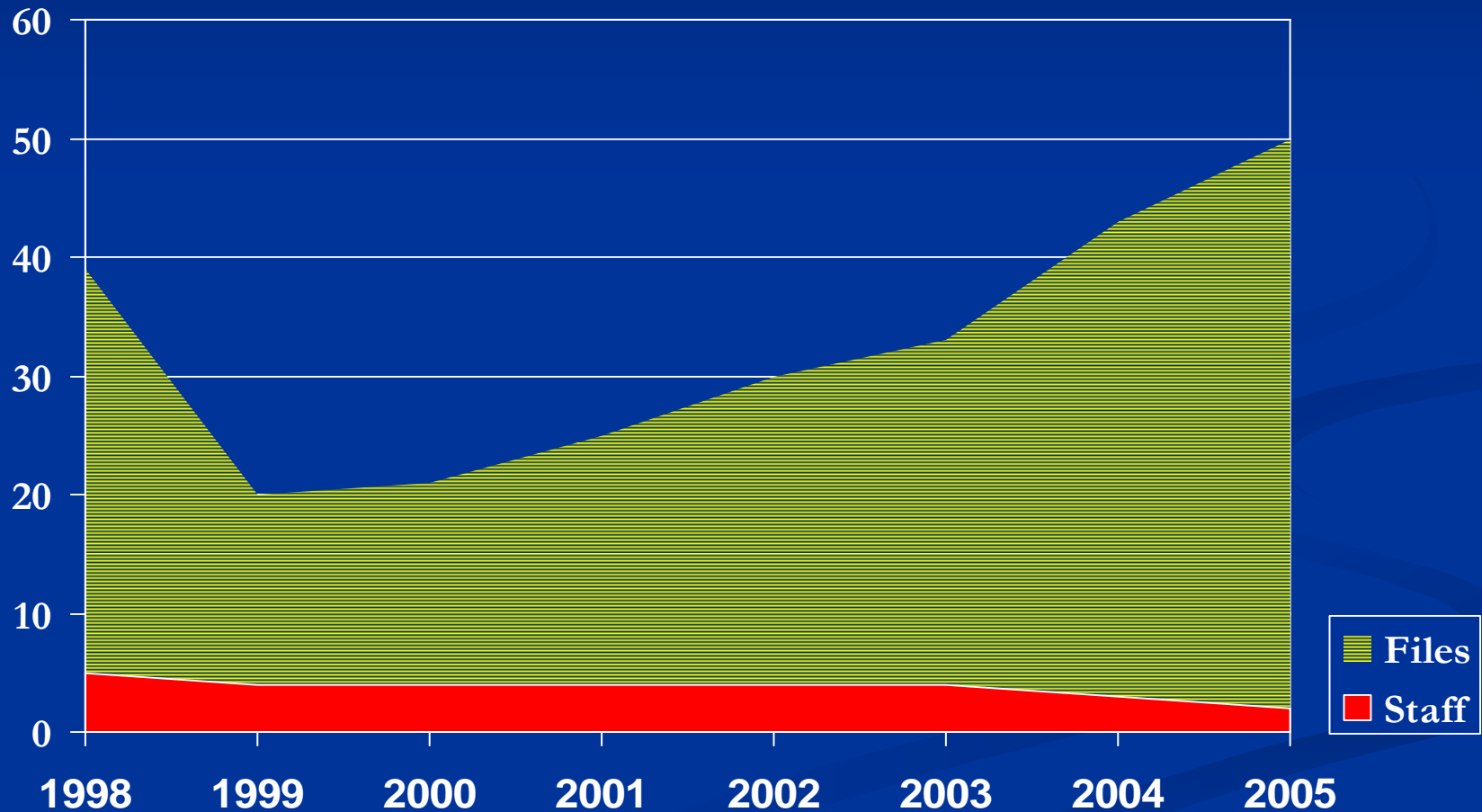
*& PROCEDURAL
REQUIREMENTS*

DOES THE RULEMAKING SATISFY THE APA?



Fish & Game Commission

Rulemakings Processed & Regulatory Staff 1998 - 2005

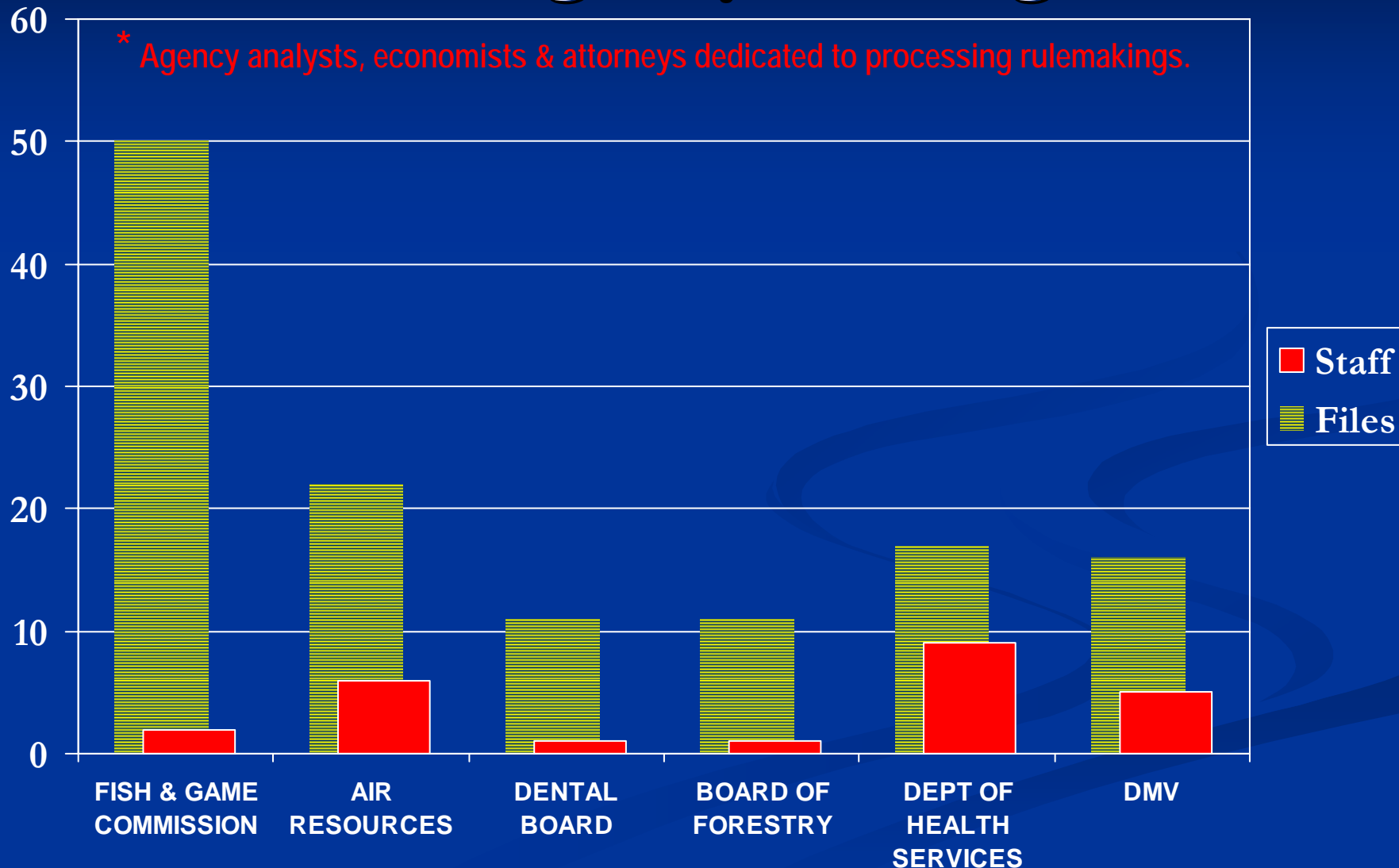


RESTRICTED ACCESS PROGRAMS

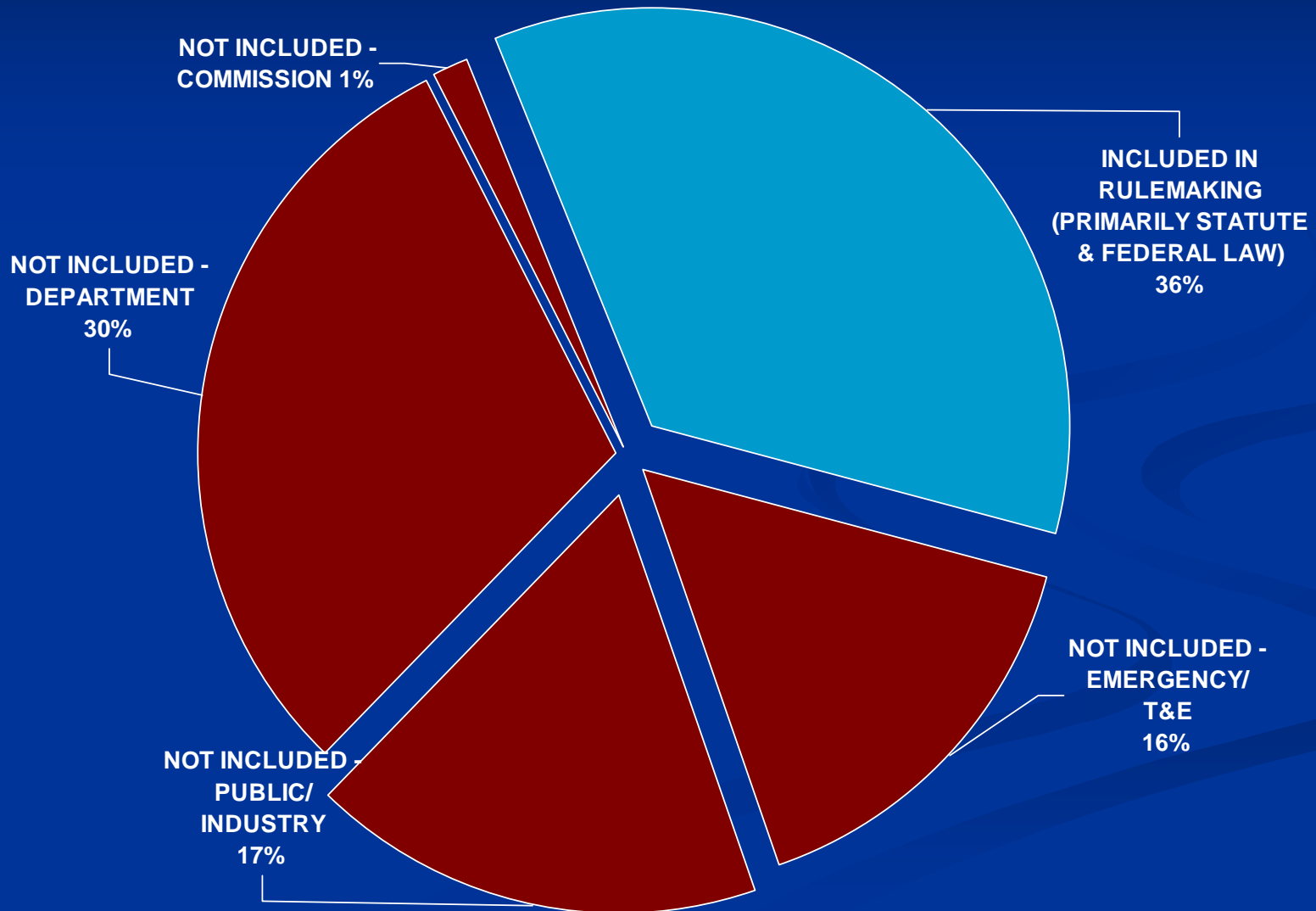
(Just Some)

- Nearshore – 2003, 2004
- Groundfish – 2004
- Commercial Rock Crab – 2003, 2004
- Spot Prawn – 2003, 2004
- Squid – 2004
- Spiny Lobster – 2005
- Deeper Nearshore – 2003, 2004
- Sea Urchin – 2003

Various Agency Rulemakings Filed in Relation to Agency Staffing* - 2005



'04 & '05 Rulemakings Included on OAL's Rulemaking Calendar ⁿ⁼⁹³



≈ COST OF PACKAGES

- Fish & Game Commission (\$6,500 - \$10,000) per pack.
- Department \$10,000 per package

Extremely variable – (Section 100 vs. Channel Islands MPA)

Questions/Topics

For Further Review . . .