

STAFF SUMMARY FOR DECEMBER 14-15, 2022

25B. ADMINISTRATIVE ITEMS - RULEMAKING TIMETABLE UPDATES**Today's Item**Information ☐Action ☒

Review and potentially approve changes to the perpetual timetable for anticipated regulatory actions.

Summary of Previous/Future Actions

- FGC approved rulemaking timetable Oct 12-13, 2022; Kings Beach
- **Today consider approving changes to the rulemaking timetable Dec 14-15, 2022; San Diego**

Background

This is a standing agenda item for staff and DFW to request changes to the FGC rulemaking timetable, confirm changes made by FGC during this meeting, and highlight minor changes made by staff.

DFW requests one change to the rulemaking timetable (Exhibit 1):

1. Add a "Bighorn Sheep Hunting" rulemaking to amend Section 362 to decrease tag quotas for two hunts in the Marble/Clipper Mountains Hunt Zone. This rulemaking is necessary to comply with requirements of California Fish and Game Code Section 4902(b), in light of population declines recently estimated for Nelson bighorn sheep. The proposed timeline for this rulemaking is notice in Dec 2022 (this meeting, under Agenda Item 18), with discussion in Feb 2023, and adoption in Apr 2023.

FGC staff removed the disclaimer for the "Harvesting of Kelp and Other Aquatic Plants, Commercial Marine Algae Management Policies" rulemaking indicating that it had been withdrawn from OAL. The rulemaking has been approved by OAL and will be effective Jan 1, 2023. Additionally, minor updates to anticipated effective dates and Title 14 section numbers have been made, as reflected in Exhibit 2.

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

FGC staff: Adopt proposed changes to the timetable for anticipated regulatory actions and any rulemaking changes identified during this meeting.

Exhibits

1. [DFW memo, received Nov 21, 2022](#)
2. ["Perpetual Timetable for Anticipated Regulatory Action," dated Dec 5, 2022](#)

Motion

Moved by _____ and seconded by _____ that the Commission approves the proposed changes to the rulemaking timetable as discussed today.

Memorandum

Date: November 18, 2022

To: Melissa Miller-Henson
Executive Director
Fish and Game Commission

From: Charlton H. Bonham
Director

Subject: **December 2022 Request for Changes to the Fish and Game Commission's Timetable for Anticipated Regulatory Actions**

The Department of Fish and Wildlife (Department) requests the following change to the Fish and Game Commission's (Commission's) 2022/2023 regulatory timetable:

1. Add a rulemaking, "Bighorn Sheep Hunting," to amend Section 362 to decrease tag quotas for two hunts. Recent population estimates and minimum counts in the Marble and Clipper Mountains suggest population declines of Nelson bighorn sheep. Pursuant to Fish and Game Code subdivision 4902(b), the Commission may not authorize the sport hunting in a single year of more than 15 percent of the mature Nelson bighorn rams in a single management unit. Thus, a tag quota reduction for Zone 1 is proposed to reduce from five rams to 1, and eliminate the single hunt for the Marble/Clipper/South Bristol Mountains Fundraising tag to maintain consistency with Fish and Game Code.

The proposed meeting schedule is notice at the December 2022 meeting, discussion at the February 2023 meeting, and adoption at the April 2023 meeting.

If you have any questions or need additional information, please contact the Regulations Unit Manager, Ona Alminas, at Regulations@wildlife.ca.gov or 916-902-9222.

ec: Chad Dibble, Deputy Director
Wildlife and Fisheries Division

David Bess, Chief
Law Enforcement Division

Scott Gardner, Branch Chief
Wildlife Branch

Ona Alminas, Program Manager
Regulations Unit

Melissa Miller-Henson, Executive Director
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David Thesell, Program Manager
Fish and Game Commission

California Fish and Game Commission: Perpetual Timetable for Anticipated Regulatory Actions

December 5, 2022

Items proposed for change are shown in blue underlined or strikeout font

Regulatory Change Category	Title 14 Section(s)	FGC San Diego Dec 14, 2022	FGC San Diego Dec 15, 2022	WRC Los Angeles Area January 12, 2023	FGC Sacramento February 8, 2023	FGC Sacramento February 9, 2023	MRC Monterey / Santa Cruz Area March 16, 2023	TC Fresno / Bakersfield Area April 18, 2023	FGC Fresno / Bakersfield Area April 19, 2023	FGC Fresno / Bakersfield Area April 20, 2023	FGC Teleconference May 17, 2023	WRC Monterey / Santa Cruz Area May 17, 2023	FGC Sacramento June 14, 2023	FGC Sacramento June 15, 2023	MRC Sonoma / San Francisco Bay Area July 20, 2023	TC Smith River Area / North Coast August 21, 2023	FGC Smith River Area / North Coast August 22, 2023	FGC Smith River Area / North Coast August 23, 2023	WRC Chico Area September 21, 2023	FGC San Jose Area October 11, 2023	FGC San Jose Area October 12, 2023	MRC San Jose Area November 16, 2023	TC San Diego Area December 12, 2023
Central Valley Sport Fishing (Annual)	7.40(b)(4), (43), (66), (80)				N				D		A				E 7/16								
Klamath River Basin Sport Fishing (Annual)	7.40(b)(50)				N				D		A					E 8/15							
Waterfowl (Annual)	502		N		D				A						E 7/1								
Harvesting of Kelp and Other Aquatic Plants, Commercial Marine Algae Management Policies	165, 165.5, 705.1			E 1/1				This file was withdrawn from OAL on 9/16. An effective date of 1/1 is now anticipated.															
Low Flow Fishing Restrictions Due to Drought Conditions Emergency (90-day Extension)	7.40(b)(40)(A)1., 8.00(a), 8.00(b)																						
Game Fish Contests	230	This file was withdrawn from the OAL on 8/12. Resubmittal and Effective Date Pending.																					
Sport Fishing Regulation Updates	2.00, 2.25, 2.30, 5.00, 5.15, 5.20, 5.41, 5.75, 5.79, 5.85, 5.87, 5.88, 7.00, 7.40, 7.50, 8.00, 29.85			E 1/1																			
Recreational Fishing Regulations for Federal Groundfish and Associated Species	1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 28.90			E 1/1																			
Recreational Sub-Bag Limits for Vermilion, Copper and Quillback Rockfishes Emergency (Second 90-Day Extension)	28.55			EE 1/2																			
Pre-Existing Structures in Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures	632								N					D									
Implementation of AB 817 (Electronic Display of Licenses)	700.4		D		A										E 7/1								
Recreational Hoop Net Regulations Emergency	29.80										EE 4/29 5/2												
Recreational Hoop Net Regulations Emergency (First 90-Day Extension)	29.80					A					E 4/29 5/2					EE 7/28 7/31							
Recreational Hoop Net Regulations Emergency (Second 90-Day Extension)	29.80													A		E 7/28 7/31							
Commercial and Recreational Take of California Spiny Lobster; Recreational Hoop Net Requirements for Take of Crustaceans	29.80, 29.90, 29.91, 121, 121.5, 122, 122.1, 122.2, 705	N				D			A										E 9/1				
Elk Hunting	364, 364.1		N		D				A						E 7/1								
Bighorn Sheep Hunting	362		N		D				A						E 7/1								
Southern California Steelhead 2084 Emergency	749.13																						
Southern California Steelhead 2084 Emergency (First 90-day extension)	749.13				EE 2/13																		
Southern California Steelhead 2084 Emergency (second 90-day extension)	749.13		A		E 2/13						EE 5/14												

Rulemaking Schedule to be Determined	Title 14 Section(s)	FGC San Diego Dec 14, 2022	FGC San Diego Dec 15, 2022	WRC Los Angeles Area January 12, 2023	FGC Sacramento February 8, 2023	FGC Sacramento February 9, 2023	MRC Monterey / Santa Cruz Area March 16, 2023	TC Fresno / Bakersfield Area April 18, 2023	FGC Fresno / Bakersfield Area April 19, 2023	FGC Fresno / Bakersfield Area April 20, 2023	FGC Teleconference May 17, 2023	WRC Monterey / Santa Cruz Area May 17, 2023	FGC Sacramento June 14, 2023	FGC Sacramento June 15, 2023	MRC Sonoma / San Francisco Bay Area July 20, 2023	TC Smith River Area / North Coast August 21, 2023	FGC Smith River Area / North Coast August 22, 2023	FGC Smith River Area / North Coast August 23, 2023	WRC Chico Area September 21, 2023	FGC San Jose Area October 11, 2023	FGC San Jose Area October 12, 2023	MRC San Jose Area November 16, 2023	TC San Diego Area December 12, 2023
Santa Cruz Harbor Salmon Fishing (FGC Petition 2016-018)	TBD																						
European Green Crab (FGC Petition 2017-006)	TBD																						
Wildlife Areas/Public Lands ⁴	TBD																						
Possess Game / Process Into Food	TBD																						
American Zoological Association / Zoo and Aquarium Association	671.1																						
Night Hunting in Gray Wolf Range (FGC Petition #2015-010)	474																						
Shellfish Aquaculture Best Management Practices	TBD																						
Ban of Neonicotinoid Pesticides on Department Lands (FGC Petition 2017-008)	TBD																						
Ridgeback Prawn Incidental Take Allowance	120(e)																						
North Yuba River Special Fishing Regulations (FGC Petition 2021-020) ⁸	TBD																						
Commercial Take of Pacific Herring: Lampara Bail Nets ⁷	163, 163.1																						

KEY
FGC = California Fish and Game Commission MRC = FGC Marine Resources Committee WRC = FGC Wildlife Resources Committee TC = FGC Tribal Committee OAL = Office of Administrative Law
EM = Emergency EE = Emergency Expires E = Anticipated Effective Date (RED "X" = expedited OAL review) EUP = Effective Upon Filing w/ Secretary of State
N = Notice Hearing D = Discussion Hearing A = Adoption Hearing V = Vetting R = Committee Recommendation
4 = Includes FGC Petition 2018-003 6 = Includes FGC Petition 2019-012 7 = Includes FGC Petition 2020-015 8 = To be included in a future sportfishing regulations update