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Fish and Game Commission

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

November 5, 2014

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 662, Title 14, California Code of Regulations, relating to petitions for regulation changes, which will be published in the California Regulatory Notice Register on November 7, 2014.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Sincerely,

Sherrie Fonbuena

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

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TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 108 of the Fish and Game Code and to implement, interpret or make specific sections 108 and 207 of the Fish and Game Code and sections 11340.6 and 11340.7 of the Government Code, proposes to add Section 662, Title 14, California Code of Regulations, relating to petitions for regulation change.

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.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Airtel Plaza Hotel, 7277 Valjean Avenue, Van Nuys, California, on Wednesday, December 3, 2014 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 11, 2015 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted on or before 12:00 noon on February 6, 2015 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than February 11, 2015 at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulation as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to

Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. Sherrie Fonbuena, [(916) 654-9866 or Sherrie.Fonbuena@fgc.ca.gov] has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

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 regulation only affects 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.

As mentioned above under the Informative Digest/Policy Statement Overview, 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.

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.

Effect on Small Business

It has been determined that the adoption of this regulation may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: October 27, 2014