

From: pat@pan.sdcoxmail.com
Sent: Wednesday, December 4, 2024 11:56 AM
To: Cornman, Ari@FGC
Subject: RE: Form FGC-1

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Hi Ari,

Thank you for your response and for providing Form FGC-1 and the tracking number 2024-15. I appreciate your willingness to assist with any questions regarding the petition process.

I would like to clarify that while I understand the Commission's procedure for petitions for regulation change as outlined in California Code of Regulations, Title 14, Section 662, our submission is intended to invoke our rights under the **Administrative Procedures Act (APA)** rather than solely comply with the Commission's internal regulation change process.

The **key distinction** is that the APA ensures a broader procedural framework that protects petitioners' rights by requiring state agencies to respond substantively to petitions that seek regulatory clarity or challenge existing regulations. Specifically:

1. Form FGC-1 vs. APA Petition:

- Form FGC-1 is tailored for petitions requesting regulation changes under the Fish and Game Commission's specific process.
- Our petition, however, is designed to address the Commission's obligation under the APA to formally evaluate the legal and scientific basis for maintaining the current classification of domestic ferrets as restricted animals.

2. Substantive Response Obligation under APA:

- The APA requires that agencies either accept the petition and initiate the requested regulatory change or formally deny it with a detailed explanation, grounded in evidence and law.
- To date, we have not seen acknowledgment from the Commission that our petition falls under the APA framework, which guarantees these protections and processes.

3. Purpose of Our Submission:

- Our petition is not merely a request for a regulation change but a legal assertion that the current classification lacks justification and has not been reviewed in compliance with the APA's requirements.
- The APA provides the legal mechanism for resolving this issue through substantive review and accountability, rather than simply processing it as a routine request for amendment.

Given these differences, we respectfully request that our petition be treated under the APA framework rather than solely under the Commission's internal regulation change procedures.

If the Commission believes this approach is inappropriate, we kindly ask for a detailed explanation citing the relevant laws or regulations that would preclude APA applicability.

I am happy to provide any further clarification or documentation to ensure this matter is handled in accordance with our rights under California administrative law.

Thank you for your attention, and I look forward to your response.

Pat Wright
(619) 757-7426

From: Cornman, Ari@FGC <Ari.Cornman@FGC.ca.gov>
Sent: Wednesday, November 13, 2024 11:39 AM
To: pat@pan.sdcoxmail.com
Cc: Yaun, Michael@FGC <Michael.Yaun@fgc.ca.gov>
Subject: Form FGC-1

Pat,
Per our phone conversation today, I've attached Form FGC-1. As a reminder, all petitions for regulation change must be submitted on this form to be compliant with the Commission's regulation (California Code of Regulations, Title 14, Section 662). Your petition has been given tracking number 2024-15.
If you have any questions or need help with the form, please feel free to reply to this email.
Sincerely,
Ari

Ari Cornman, Wildlife Advisor
California Fish and Game Commission
715 P Street, 16th Floor
Sacramento, CA 95814
Phone: (562) 618-5368

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