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STATE OF CALIFORNIA  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

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### **REVISED\* MEETING AGENDA** **June 12-13, 2019**

**Red Lion Hotel Redding**  
**1830 Hilltop Drive, Redding, CA 96002**

The meeting will be live streamed; visit [www.fgc.ca.gov](http://www.fgc.ca.gov) the day of the meeting.

**\*This agenda is revised to include new items 8(B) regarding transgenic zebrafish, and 29(B) regarding Hog Island Oyster Company state water bottom leases. For Item 17(C) Department informational item, the offshore marine aquaculture programmatic environmental impact report has been moved to Day 2 under Item 30(D).**

**Notes:** See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

**Invitation:** The Commission invites members of the public to join commissioners and staff for two tours that will take place following the meeting recess on Wednesday. Details for the tours, associated with ranching, beekeeping, and watershed/post-fire restoration, will be available the morning of the first day of the commission meeting in the meeting room. Members of the public are welcome, but must provide their own transportation.

#### **DAY 1 – JUNE 12, 2019, 8:30 AM**

Call to order/roll call to establish quorum

**1. Consider approving agenda and order of items**

**2. General public comment for items not on agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: the Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

**CONSENT ITEMS**

**3. Five-year private lands wildlife habitat enhancement and management area (PLM) licenses and plans**

Consider approving five-year PLM plans and 2019-2023 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Butte County
  - I. Soper-Wheeler
- (B) Calaveras County
  - I. Ordway Ranch
- (C) Glenn County
  - I. Bird Haven Ranch
- (D) Lassen County
  - I. Clarks Valley Ranch
  - II. Five Dot Ranch-Avila
  - III. Red Rock Ranch
- (E) Mendocino County
  - I. Schneider Ranch
- (F) Monterey County
  - I. Gabilan Ranch
- (G) Shasta County
  - I. Duncan Creek Ranch
- (H) Stanislaus County
  - I. Roostercomb Ranch
- (I) Tehama County
  - I. Corning Land and Cattle Company

**4. Annual PLM plans**

Consider approving annual PLM plans and 2019/2020 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Butte County
  - I. Deserte Farms - Ballard Unit
  - II. Deseret Farms - Wilson Unit
  - III. Llano Seco Rancho
- (B) Butte/Tehama counties
  - I. Rock Creek
- (C) Glenn County
  - I. Spurlock Ranch
- (D) Lassen County
  - I. Ash Valley Ranch
  - II. Dixie Valley Ranch
  - III. Five Dot Ranch - Horse Lake
  - IV. Five Dot Ranch - School Section
  - V. Five Dot Ranch - Tunnel Springs
  - VI. Five Dot Ranch - Willow Creek
  - VII. Kramer Ranch
  - VIII. Mendiboure Cold Springs Ranch
  - IX. Mendiboure Ranch
  - X. Observation Peak Ranch

## **CONSENT ITEMS**

- XI. Walton Homestead Family, LLC
- (E) Los Angeles County
  - I. Santa Catalina Island
- (F) Mendocino County
  - I. Ackerman - South Daugherty Wildlife Management Area
  - II. Eden Valley Ranch
  - III. R-R Ranch
  - IV. Six Point Ranch (formerly Potter Valley Wildlife Management Area)
- (G) Modoc County
  - I. Basin View Ranch
  - II. Lookout Ranch
  - III. SL Ranch
- (H) Monterey County
  - I. Bardin Ranch
- (I) San Bernardino County
  - I. Big Morongo Springs Ranch
- (J) Shasta County
  - I. Black Ranch
  - II. Clover Creek Ranch
  - III. Hathaway Oak Run Ranch
  - IV. JS Ranch
  - V. Rickert Ranch
  - VI. Triple B Ranch
- (K) Siskiyou County
  - I. Long Prairie Farms
  - II. Pondosa
  - III. Red Rock Valley Farms
- (L) Tehama County
  - I. Big Bluff Ranch
  - II. El Rancho Rio Frio
  - III. Little Dry Creek Ranch
  - IV. Salt Creek Ranch
- (M) Yuba County
  - I. Sugarloaf-Bangor Ranch

### **5. Upper Klamath-Trinity river spring Chinook salmon**

Consider approving the Department's request for a six-month extension to deliver the one-year status review report on the petition to list Upper Klamath-Trinity river spring Chinook salmon (*Oncorhynchus tshawytscha*) as an endangered species under the California Endangered Species Act (CESA).

(Pursuant to Section 2074.6, Fish and Game Code)

## **CONSENT ITEMS**

### **6. San Bernardino kangaroo rat**

Receive 90-day evaluation report from the Department for the petition to list San Bernardino kangaroo rat (*Dipodomys merriami parvus*) as an endangered species under the California Endangered Species Act (CESA).

(Pursuant to Section 2073.5, Fish and Game Code)

### **7. Cascades frog**

Receive the Department's one-year status review report on the petition to list Cascades frog (*Rana cascadae*) as an endangered or threatened species under CESA.

(Pursuant to Section 2074.6, Fish and Game Code)

***The Department will recommend that this item be continued to a future Commission meeting.***

### **8. Transgenic zebrafish**

(A) Review and consider action on a restricted species permit approved by the Department for San Diego State University to possess transgenic zebrafish. (Pursuant to subdivision 15007(e), Fish and Game Code, and subsection 671.1(a)(8)(H), Title 14, CCR)

(B) Receive application from Chapman University for a restricted species permit for transgenic zebrafish.

(Pursuant to subdivision 15007(e), Fish and Game Code, and subsection 671.1(a)(8)(H), Title 14, CCR)

### **9. Duck stamp proposals**

Consider approving proposed duck stamp projects for Fiscal Year 2019-20.

(Pursuant to Section 3702, Fish and Game Code)

### **10. Tribal Committee**

Discuss updates and/or recommendations from the June 11, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.

(A) June 11, 2019 meeting summary

I. Receive and consider adopting recommendations

(B) Work plan development

I. Update on work plan and draft timeline

II. Discuss and consider approving new topics

### **11. Wildlife Resources Committee**

Discuss updates and/or recommendations from the May 16, 2019 committee meeting. Consider approving new topics to address at a future committee meeting.

(A) May 16, 2019 meeting summary

I. Receive and consider adopting recommendations

(B) Work plan development

I. Update on work plan and draft timeline

II. Discuss and consider approving new topics

**12. Northern California summer steelhead**

Consider and potentially act on the petition, Department’s evaluation report, and comments received to determine whether listing northern California summer steelhead (*Oncorhynchus mykiss irideus*) as an endangered or threatened species under CESA may be warranted.

(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

Note: if the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

**13. Northern California summer steelhead regulations**

If the Commission determines that listing may be warranted for Northern California summer steelhead (*Oncorhynchus mykiss irideus*) under CESA, discuss and potentially take regulatory actions.

**14. Bumble bees**

Consider and potentially act on the petition, Department’s evaluation report, and comments received to determine whether listing Crotch bumble bee (*Bombus crotchii*), Franklin’s bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered or threatened species under CESA may be warranted.

(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

Note: if the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

**15. Wildlife and inland fisheries petitions for regulation change**

Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.

(Pursuant to Section 662, Title 14, CCR)

(A) Action on current petitions

- I. Petition #2019-006 AM 1: Use of bait for taking bear
- II. Petition #2019-008 AM 2: Firing range at Ballona Wetlands Ecological Reserve
- III. Petition #2019-009: Trinity River fishing regulations
- IV. Petition #2019-010 AM 2: Use of airguns for taking game
- V. Petition #2019-011: Bag and possession limits for brown trout in the Klamath River Basin

(B) Action on pending regulation petitions referred to staff or the Department for review

- I. Petition #2019-001: Commercial parking at Ballona Wetlands Ecological Reserve
- II. Petition #2018-018: Crow hunting at Hollenbeck Canyon Wildlife Area

**16. Wildlife and inland fisheries non-regulatory requests from previous meetings**

Consider non-regulatory requests submitted by members of the public at previous meetings.

- (A) Action on non-regulatory requests
- (B) Action on pending non-regulatory requests referred to staff or the Department for review

**17. Departmental informational items (wildlife and inland fisheries)**

The Department will highlight wildlife and inland fisheries items of note since the last Commission meeting.

- (A) Director's report
  - I. Update on tricolored blackbird population estimates and progress with safe harbor agreements
- (B) Law Enforcement Division
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
  - I. Update on efforts to eradicate nutria in California

Recess

**DAY 2 – JUNE 13, 2019, 8:30 AM**

Call to order/roll call to establish quorum

**18. General public comment for items not on agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: The Commission **may not** discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

**CONSENT ITEMS**

**19. White Seabass Fishery Management Plan (FMP)**

Receive the Department's White Seabass FMP 2017-2018 Annual Review.  
(Pursuant to Section 5.9, White Seabass FMP)

**20. San Pablo Bay National Wildlife Refuge**

Potential approval for U.S. Fish and Wildlife Service to acquire fee interest in a 487-acre property located in Solano and Napa counties for inclusion in the San Pablo Bay National Wildlife Refuge.

**21. Acting executive director's report**

Receive an update from the acting executive director on staffing and legislative information.

- (A) Staff report
- (B) Legislative report and possible action

- 22. Prosecutor of the Year award**  
Pursuant to the Commission's Prosecutor of the Year policy:
- (A) Announce recipient of the Prosecutor of the Year award
  - (B) Discuss possible expansion of award eligibility criteria
- 23. Strategic planning**  
Receive an update on the strategic planning process.
- 24. Marine Resources Committee**  
Discuss and consider approving draft agenda topics for the next committee meeting.  
Consider approving new topics to address at a future committee meeting.
- (A) Work plan development
    - I. Update on work plan and draft timeline
    - II. Discuss and consider approving new topics
- 25. Pacific Herring FMP**  
Receive and discuss the draft Pacific Herring FMP.  
(Pursuant to Fish and Game Code Section 7075, et seq.)
- 26. Pacific herring regulations**  
Consider authorizing publication of notice of intent to adopt new and amend existing Pacific herring sport fishing and commercial take regulations that implement the Pacific Herring FMP.  
(Add sections 55.00, 55.01, and 55.02, and amend sections 27.60, 28.60, 28.62, 163, 163.1, 163.5, 164, and 705, Title 14, CCR)
- 27. Hagfish traps**  
Discuss and consider adopting proposed changes to commercial take of hagfish regulations, including use of barrel traps and buoy marking requirements for all trap types.  
(Section 180.6, Title 14, CCR)
- 28. Marine petitions for regulation change**  
Consider requests submitted by members of the public to adopt, amend, or repeal a regulation.  
(Pursuant to Section 662, Title 14, CCR)
- (A) Action on current petitions
    - I. Petition #2019-004: Recovery of abandoned lobster traps
  - (B) Action on pending regulation petitions referred to staff or the Department for review

**29. Marine non-regulatory requests from previous meetings**

Consider non-regulatory requests submitted by members of the public at previous meetings.

- (A) Action on non-regulatory requests
- (B) Action on pending non-regulatory requests referred to staff or the Department for review
  - I. Staff update and possible Commission action concerning request by Hog Island Oyster Company to continue current aquaculture operations on state water bottom lease numbers M-430-10, M-430-11, M-430-12, and M-430-15 during the lease amendments process.

**30. Departmental informational items (marine)**

The Department will highlight marine items of note since the last Commission meeting.

- (A) Director's report
- (B) Law Enforcement Division
- (C) Marine Region
- (D) Other
  - I. Update on offshore marine aquaculture programmatic environmental impact report

**31. Commission meeting dates and locations for 2020**

Receive and discuss proposed meeting dates and locations for Commission and committee meetings for January through December of 2020.

**32. Commission administrative items**

Discuss and consider action on the upcoming meeting agenda items and rulemaking timetable, and identify any new business for discussion at a future meeting.

- (A) Next meeting – August 7-8, 2019 in Sacramento – and other future meetings
- (B) Rulemaking timetable updates
- (C) New business

Adjourn



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**EXECUTIVE SESSION**  
(Not Open to the Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
- I. Dennis Sturgell v. California Department of Fish and Wildlife, and California Fish and Game Commission (revocation of Dungeness crab vessel permit No. CT0544-T1)
  - II. California Cattlemen's Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
  - III. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
  - IV. Pacific Star Sportfishing, Inc., et al. v. California Fish and Game Commission, et al. (suspension of commercial vessel fishing permit)
  - V. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)
  - VI. Adam Aliotti and Alicia Dawn, Inc. v. California Fish and Game Commission, and California Department of Fish and Wildlife (suspension of commercial fishing license and tier-1 spot prawn trap vessel permit)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items

## California Fish and Game Commission 2019 Meeting Schedule

**Note:** As meeting dates and locations can change, please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting
July 11		<b>Marine Resources</b> California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672  <b>* This meeting may be proposed to move to Ventura</b>
August 7-8	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
September 10		<b>Wildlife Resources</b> Justice Joseph A. Rattigan Building Conference Room 410 50 D Street, 4 <sup>th</sup> Floor Santa Rosa, CA 95404
October 8		<b>Tribal</b> San Diego
October 9-10	San Diego	
November 5		<b>Marine Resources</b> Natural Resources Building 12 <sup>th</sup> Floor Conference Room 1416 Ninth Street, Room 1206 Sacramento, CA 95814
December 11-12	Natural Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	

### OTHER 2019 MEETINGS OF INTEREST

#### **Association of Fish and Wildlife Agencies**

- September 22-25, Saint Paul, MN

#### **Pacific Fishery Management Council**

- June 18-25, San Diego, CA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

**Pacific Flyway Council**

- August 23, Clackamas, OR

**Western Association of Fish and Wildlife Agencies**

- July 11-16, Manhattan, KS

**Wildlife Conservation Board**

- August 28, Sacramento, CA
- November 21, Sacramento, CA

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

### **WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION**

This year marks the beginning of the 150<sup>th</sup> year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

### **PERSONS WITH DISABILITIES**

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Reasonable Accommodation Coordinator at (916) 651-1214. Requests for facility and/or meeting accessibility should be received at least 10 working days prior to the meeting to ensure the request can be accommodated.

### **STAY INFORMED**

To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), to sign up on our electronic mailing lists.

### **SUBMITTING WRITTEN COMMENTS**

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); **mail** to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; **deliver** to California Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**. Materials provided to the Commission may be made available to the general public.

### **COMMENT DEADLINES**

The **Written Comment Deadline** for this meeting is **5:00 p.m. on May 30, 2019**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **noon on June 7, 2019**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

After these deadlines, written comments may be delivered in person to the meeting – Please bring ten (10) copies of written comments to the meeting.

### **NON-REGULATORY REQUESTS**

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Late Comment Deadline** (or heard during public comment at the meeting) will be scheduled for receipt at this meeting, and scheduled for consideration at the next business meeting.

### **PETITIONS FOR REGULATION CHANGE**

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission for Regulation Change" (as required by Section 662, Title 14, CCR). The form is available at

<https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public comment at the meeting). Petitions received at this meeting will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

### **VISUAL PRESENTATIONS/MATERIALS**

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov).
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

### **CONSENT CALENDAR**

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

### **LASER POINTERS**

Laser pointers may only be used by a speaker during a presentation; use at any other time may result in arrest.

### **SPEAKING AT THE MEETING**

To speak on an agenda item, please complete a "Speaker Card" and give it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
  - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
  - b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Late Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.

- c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
  - d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.