

**Commissioners**  
**Eric Sklar**, President  
Saint Helena

**Samantha Murray**, Vice President  
Del Mar

**Jacque Hostler-Carmesin**, Member  
McKinleyville

**Russell E. Burns**, Member  
Napa

**Peter S. Silva**, Member  
Jamul

STATE OF CALIFORNIA  
Gavin Newsom, Governor

## Fish and Game Commission



**Melissa Miller-Henson**  
**Executive Director**  
P.O. Box 944209  
Sacramento, CA 94244-2090  
(916) 653-7229  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

*Wildlife Heritage and Conservation*  
*Since 1870*

### **\*REVISED MEETING AGENDA – TELECONFERENCE** **April 15-16, 2020**

Pursuant to Executive Order N-29-20, commissioners may participate in meetings remotely. The public may observe, provide public comment during the public comment periods, and observe remotely in accordance with the Bagley-Keene Open Meetings Act.

**\*This agenda is revised to add Item 2 to consider an emergency regulation regarding sport and recreational fishing. All general public comment for items not on the agenda will be heard under Agenda Item 14. Agenda Items 9 and 24 have been combined. Additionally, staff will recommend that Items 3(B), 4, 5, 6, 7, 13 and 31 be continued to a future meeting.**

#### ***Watch the Live Stream (audio only for listening)***

As always, if you simply want to observe a live stream of the meeting (also referred to as a live webcast), please visit [www.fgc.ca.gov](http://www.fgc.ca.gov) the day of the meeting. Since everyone is participating remotely, there will not be a live video, just audio.

Presentations to be made during the meeting will be available on Tuesday, April 14 in a separate PDF document at <https://fgc.ca.gov/Meetings/2020>.

#### ***Participate via Teleconference (to provide public comment)***

For an opportunity to provide public comment during the meeting, you may join the teleconference. You must pre-register so that the operator is able to call on individual speakers.

Instructions regarding how to pre-register and what to expect during the meeting will be posted at <https://fgc.ca.gov/Meetings/2020> on Tuesday, April 14.

Presentations to be made during the meeting will be available on Tuesday, April 14 in a separate PDF document at <https://fgc.ca.gov/Meetings/2020>.

**Note: 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.**

#### **DAY 1 – APRIL 15, 2020, 10:00 AM**

Call to order/roll call to establish quorum

- 1. Consider determining the amendment of the agenda is appropriate under Government Code Section 11125.3 and approving agenda and order of items**

**2. Emergency regulation concerning suspending, delaying or restricting sport and recreational fishing**

Consider adopting an emergency regulation authorizing the California Department of Fish and Wildlife to temporarily suspend, delay, or restrict sport and recreational fishing in specific areas within the state when necessary to protect public health from the threat posed by COVID-19.

(Pursuant to Sections 200, 205, and 399, Fish and Game Code)

***The total amount of time allocated for public comment on this agenda item is five hours [Section 665(b)(3)(B), Title 14, CCR and California Government Code 11125.7(b)]***

Recess

**DAY 2 – APRIL 16, 2020, 9:00 AM**

Call to order/roll call to establish quorum

**3. Executive director's report**

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

(A) Staff report

(B) Legislative report and possible action

I. Discuss recent legislative actions and consider authorizing staff visits to legislative members to share the Commission's 150-year history

II. Discuss the Department's R3 initiative (recruitment, retention, and reactivation) in conjunction with moving forward potential 365 license legislation

***Staff will recommend that item 3(B) be continued to the June 2020 meeting.***

**4. Delegations to staff**

Discuss and potentially approve a list of delegated tasks to staff to meet the Commission's responsibilities.

***Staff will recommend that this item be continued to the June 2020 meeting.***

**5. 150<sup>th</sup> Anniversary**

Discuss the 150<sup>th</sup> anniversary of the Commission.

***Staff will recommend that this item be continued to the June 2020 meeting.***

**6. Annual tribal planning meeting**

Report on the annual tribal planning meeting held pursuant to the Commission's Tribal Consultation Policy.

***Staff will recommend that this item be continued to the June 2020 meeting as the annual tribal planning meeting is being rescheduled.***

**7. Tribal Committee**

Discuss and 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

***Staff will recommend that this item be continued to the June 2020 meeting as the next Tribal Committee meeting is scheduled for August 18, 2020.***

**8. Marine Resources Committee**

Discuss updates and recommendations from the previous committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) March 17, 2020 meeting summary
  - I. Receive and consider adopting recommendations
  - II. Receive the Department's aquaculture informational report
- (B) Work plan development
  - I. Update on work plan
  - II. Discuss and consider approving new topics

**9. Department informational items**

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

- (A) Director's report
- (B) Marine Region
  - I. Update on electronic reporting of commercial fisheries landings via E-Tix  
***Staff will recommend that this item be continued.***
  - II. Update on voluntary participation in Department Drift Gill Net Transition Program  
***Staff will recommend that this item be continued.***
  - III. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
- (D) Law Enforcement Division

**10. Pacific herring eggs on kelp regulations**

Consider authorizing publication of notice of intent to amend commercial Pacific herring eggs on kelp regulations that implement the Pacific Herring Fishery Management Plan. (Amend sections 163 and 164, Title 14, CCR)

**11. Marine items of interest from previous meetings**

These items are generally updates on agenda topics recently heard before the Commission.

**12. 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 #2019-027 AM 1: Reopen commercial abalone fishing at San Miguel Island
  - II. Petition #2020-001: Emergency regulation for take of purple sea urchin in Monterey

- III. Petition #2020-002: Define mouth of river and shore of ocean boundaries when salmon fishing from shore
- (B) Action on pending regulation petitions referred to staff or the Department for review – None scheduled at this time

**13. Strategic planning**

Review feedback provided by Commissioners and the public regarding potential revisions to the mission and draft goals, potentially adopt draft goals and a revised mission statement, and provide direction on a draft plan.

***Staff will recommend that this item be continued to the June 2020 meeting.***

**14. 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**

**15. Initial private lands wildlife habitat enhancement and management area (PLM) licenses and plans**

Consider approving initial PLM plans and 2020-2024 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Mendocino County
  - I. Antler Hill Ranch
  - II. Bridges Ranch
- (B) Monterey County
  - I. San Bartolome Ranch

**16. Five-year PLM plans**

Consider approving five-year PLM plans and 2020-2024 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte County
  - I. Alexandre Ecodairy Farms PLM
- (B) Humboldt County
  - I. Big Lagoon
  - II. Klamath PLM
  - III. Rainbow Ridge PLM
- (C) Mendocino County
  - I. Amann Ranch
  - II. Carley Ranch
  - III. Christensen Ranch
  - IV. Seven Springs Ranch
  - V. Six Point Ranch
  - VI. Summer Camp Ranch
- (D) San Luis Obispo County
  - I. Carnaza Ranch
  - II. Clark and White Ranches

- III. D-Rafter-“L” Ranch, LLC
- (E) Shasta County
  - I. Stackhouse Ranch

**17. Annual PLM plans**

Consider approving annual PLM plans and 2020/2021 licenses for:  
(Pursuant to Section 601, Title 14, CCR)

- (A) Humboldt County
  - I. Cottrell Ranch
  - II. Diamond C Outfitters
  - III. Hunter Ranch
  - IV. Redwood House Ranch
  - V. Smith River PLM
  - VI. Stover Ranch
  - VII. Wiggins Ranch
- (B) Kern/Los Angeles counties
  - I. Tejon Ranch
- (C) Los Angeles County
  - I. Santa Catalina Island
- (D) Mendocino County
  - I. Capistran Ranch
  - II. Eden Valley Ranch
  - III. Miller-Eriksen Ranch
  - IV. Shamrock Ranch
  - V. Spring Valley Ranch
- (E) Merced County
  - I. DeFrancesco/Eaton Ranch
- (F) Monterey County
  - I. Alexander Ranch
  - II. Gabilan Ranch
  - III. Hartnell Ranch
  - IV. Indian Valley Cattle Company (Lombardo Ranch)
  - V. Peachtree Ranch
  - VI. Sky Rose Ranch, LLC. PLM
  - VII. Work Ranch
- (G) Monterey/San Luis Obispo counties
  - I. Camp 5 Outfitters – Roth Ranch PLM
- (H) Monterey/San Benito counties
  - I. Morisoli Ranch
- (I) San Benito County
  - I. Lewis Ranch
  - II. Lone Ranch
  - III. Rancho La Cuesta
  - IV. Trincherero Ranch
- (J) San Joaquin County
  - I. Connolly and Corral Hollow Ranch
- (K) San Luis Obispo County
  - I. Avenales Ranch
  - II. Carrizo Ranch
  - III. Chimney Rock Ranch
  - IV. Hearst Ranch

- (L) San Luis Obispo/Kern counties
  - I. Temblor Ranch
- (M) Santa Clara County
  - I. Coon Creek Ranch
- (N) Solano County
  - I. Buckeye Ranch
- (O) Stanislaus County
  - I. Rooster Comb Ranch
- (P) Tehama County
  - I. 3D Ranch
  - II. Bell Ranch
  - III. R Wild Horse Ranch
- (Q) Trinity County
  - I. Travis Ranch

**18. Cascades frog CESA petition**

Receive the Department's one-year status review report for the petition to list Cascades frog (*Rana cascadae*) as a threatened or endangered species under the California Endangered Species Act (CESA).

(Pursuant to Section 2074.6, Fish and Game Code)

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

**19. Western Joshua tree CESA petition**

Receive the Department's 90-day evaluation report for the petition to list western Joshua tree (*Yucca brevifolia*) as a threatened or endangered species under CESA.

(Pursuant to Section 2073.5, Fish and Game Code)

**20. Bumble bees CESA petition**

Receive the Department's request for a six-month extension to deliver the one-year status review report on the petition to list 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 threatened or endangered species under CESA.

(Pursuant to Section 2074.6, Fish and Game Code)

**21. Agassiz's desert tortoise**

Receive petition to up-list Agassiz's desert tortoise (*Gopherus agassizii*) from a threatened species to an endangered species under CESA.

(Pursuant to 2073.3, Fish and Game Code, and subsection 670.1(c), Title 14, CCR)

**22. Upper Klamath-Trinity spring Chinook salmon sport fishing (certification of compliance)**

Consider adopting proposed implementation of a certificate of compliance for the upper Klamath-Trinity spring Chinook salmon emergency regulations.

(Add subsection 7.50(b)(91.2), Title 14, CCR)

**23. Wildlife Resources Committee**

Discuss updates and recommendations from the previous committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) March 5, 2020 meeting summary
  - I. Discuss proposed changes to the simplification of statewide inland sport fishing regulations proposal since last WRC meeting
  - II. Receive and consider adopting recommendations
- (B) Work plan development
  - I. Update on work plan
  - II. Discuss and consider approving new topics

**24. Department informational items (wildlife and inland fisheries)**

*This item has been combined with Agenda Item 9 for this meeting.*

**25. Mammal hunting regulations**

Consider adopting proposed changes to mammal hunting tag quota and season regulations.

(Amend sections 360, 361, 362, 364, and 364.1, Title 14, CCR)

**26. Waterfowl hunting regulations (annual)**

Consider adopting proposed changes to waterfowl hunting regulations.

(Amend sections 502 and 507, Title 14, CCR)

**27. Public use of Department lands regulations**

Consider adopting proposed changes to wildlife area and ecological reserve regulations.

(Amend sections 550, 550.5, 551, 552, 630, and 702, Title 14, CCR)

**28. Central Valley sport fishing regulations**

Discuss proposed changes to Central Valley sport fishing regulations.

(Amend sections 2.35 and 7.00, and amend subsections 7.50(b)(5), (68), (124), and (156.5), Title 14, CCR)

**29. Klamath River Basin sport fishing regulations**

Discuss proposed changes to Klamath River Basin sport fishing regulations.

(Amend subsections 5.87(f) and 7.50(b)(91.1), Title 14, CCR)

**30. Shasta snow-wreath CESA petition**

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing Shasta snow-wreath (*Neivusia cliftonii*) as a threatened or endangered 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.

**31. Riparian brush rabbit CESA five-year status review**

Receive overview of the Department's five-year status review of riparian brush rabbit (*Sylvilagus bachmani riparius*), which is listed as an endangered species under CESA.

(Pursuant to Section 2077, Fish and Game Code)

***Staff will recommend that this item be continued to a future meeting.***

**32. Mountain lion CESA petition**

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether listing mountain lion (*Puma concolor*) as a threatened or endangered 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.

**33. Commission administrative items**

- (A) Next meetings – May 14 (teleconference) and June 24-25, 2020 in Santa Ana
- (B) Rulemaking timetable updates
- (C) New business

Adjourn



## EXECUTIVE SESSION

(Not Open to 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. Public Interest Coalition v. California Fish and Game Commission (CEQA compliance during adoption of dog collar regulation)
  - III. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)
  - IV. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
  - I. Consider the Proposed Decision in Agency Case No. 18ALJ13-FGC, the appeal filed by Jeff Tseng regarding a request for reinstatement of hunting and sport fishing privileges.
  - II. Consider the appeal filed by David Colker in Agency Case No. 19ALJ15-FGC, regarding his request to renew his sea urchin diving permit.
  - III. Consider the appeal filed by William Rehmke in Agency Case No. 19ALJ19-FGC, regarding his request to renew his salmon vessel permit.

## California Fish and Game Commission 2020 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
April 29		<b>Marine Resources, Part 2</b> Note: This meeting is intended to complete the March 17 meeting agenda.
May 14	<b>Teleconference and webinar</b>	
May 14		<b>Wildlife Resources</b> Teleconference and webinar
June 24 - 25	Holiday Inn Orange County Airport 2726 S. Grand Avenue Santa Ana, CA 92705	
July 21		<b>Marine Resources</b> San Clemente area
August 18		<b>Tribal</b> River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540
August 19 - 20	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	
September 17		<b>Wildlife Resources</b> Natural Resources Building Redwood Room 1416 Ninth Street, 14 <sup>th</sup> Floor Sacramento, CA 95814
October 14 - 15	Elihu M Harris Building Auditorium 1515 Clay Street Oakland, CA 94612	
November 9		<b>Tribal</b> Monterey area
November 10		<b>Marine Resources</b> Monterey area
December 9 - 10	San Diego area	

## **OTHER 2020 MEETINGS OF INTEREST**

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

- September 13-16, Sacramento, CA

### **Pacific Fishery Management Council**

- June 11-18, San Diego, CA
- September 10-17, Spokane, WA
- November 13-20, Garden Grove, CA

### **Pacific Flyway Council**

- August 28 (location TBD)

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

- July 9-14, Park City, UT

### **Wildlife Conservation Board**

- May 20, Sacramento, CA
- August 26, Sacramento, CA
- November 18, Sacramento, CA

# IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

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

April 2, 2020 marks the 150th anniversary 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; or delivery to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814;. Materials provided to the Commission may be made available to the general public.

## WRITTEN COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on April 2, 2020**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on April 10, 2020**. Comments received by this deadline will be made available to Commissioners at 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 **Supplemental Comment Deadline** (or heard during general 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 **Supplemental Comment Deadline**. 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 **Supplemental 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.

## **CONSENT CALENDAR**

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.

## **SPEAKING AT THE MEETING**

To speak on an agenda item, please alert the operator when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to 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. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
  - b. An individual may receive additional time to speak to an agenda item at the request of any commissioner.