

Commissioners
Eric Sklar, President
Saint Helena

Jacque Hostler-Carmesin, Vice President
McKinleyville

Russell E. Burns, Member
Napa

Peter S. Silva, Member
Jamul

Samantha Murray, Member
Del Mar

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Wildlife Heritage and Conservation
Since 1870

REVISED* MEETING AGENDA **February 21, 2020, 8:00 AM**

Natural Resources Building – Auditorium, First Floor
1416 Ninth Street, Sacramento, CA 95814

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting.

***This agenda is revised to add Item D(III) to Executive Session; add details to Item 12(A) concerning Executive Director's report; revise Item 22(C) to clarify the action related to the March 5, 2020 Wildlife Resources Committee meeting; and delete Item 17 concerning experimental fishing permits phase I, as no comments within the scope of the 15-day notice were received.**

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. For 2020 when Commission meetings span two days, marine items will be heard on the first day and wildlife and inland fisheries items will be heard on the second day; administrative items will be divided as time permits.

Invitation: The Commission invites members of the public to join commissioners and staff for a falconry demonstration sponsored by the California Hawking Club on Thursday, February 20 at 3:00 p.m. The demonstration will be held at Conaway Ranch, 45332 County Road 25 in Woodland; refreshments will be available starting at 2:30 p.m. Members of the public are welcome and must provide their own transportation.

Call to order/roll call to establish quorum

1. Consider approving agenda and order of items

2. Election of Commission president and vice president

The commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.
(Pursuant to Section 102, Fish and Game Code)

3. Committee assignments

The Commission forms three committees from its membership, consisting of at least one commissioner: Marine Resources Committee, Tribal Committee and Wildlife Resources Committee. (Pursuant to sections 105, 106 and 106.5, Fish and Game Code)

4. 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

5. Pacific leatherback sea turtle

- (A) Receive petition to list the Pacific leatherback sea turtle (*Dermochelys coriacea*) as an endangered species under the California Endangered Species Act (CESA) (Pursuant to Section 2074.6, Fish and Game Code)
- (B) Consider approving the Department's request for a 30-day extension to review the petition. (Pursuant to Section 2073.5, Fish and Game Code)

6. Riparian brush rabbit

Receive Department's five-year status review for riparian brush rabbit (*Sylvilagus bachmani riparius*), which is listed as an endangered species under CESA. (Pursuant to Section 2077, Fish and Game Code)

7. Mountain lion

Receive Department's 90-day evaluation report for the petition to list mountain lion (*Puma concolor*) as a threatened or endangered species under CESA. (Pursuant to Section 2073.5, Fish and Game Code)

8. Shasta snow-wreath

Receive Department's 90-day evaluation report for the petition to list Shasta snow-wreath (*Neviusia cliftonii*) as a threatened or endangered species under CESA. (Pursuant to Section 2073.5, Fish and Game Code)

9. Foothill yellow-legged frog

Consider ratifying findings for the listing decisions for foothill yellow-legged frog (*Rana boylei*) under CESA. (Pursuant to Section 2075.5, Fish and Game Code)

- (A) Decision to list the Southwest/South Coast, West/Central Coast, and East/Southern Sierra clades as endangered
- (B) Decision to list the Northeast/Northern Sierra and Feather River clades as threatened
- (C) Decision *not* to list the Northwest/North Coast clade

10. Upper Klamath-Trinity spring Chinook salmon sport fishing emergency regulations (second 90-day extension)

Consider adopting a second 90-day extension of the upper Klamath-Trinity spring Chinook salmon emergency regulations.
(Re-adopt subsection 7.50(b)(91.2), Title 14, CCR)

11. Commission Designated Wild Trout Waters Policy

Receive Department's recommendation and consider adopting proposed amendments to the Commission Designated Wild Trout Waters policy.
(Pursuant to Section 1727, Fish and Game Code)

12. Executive director's report

Receive an update from the executive director on staffing, legislation, and other information.

- (A) Staff report, including staff recruitment, sesquicentennial planning, website/document accessibility, California Law Revision Commission recommendation, delegations to staff, 2019 mountain lion necropsy report, and Dungeness Crab Task Force 2019 report
- (B) Legislative report
- (C) Report of lease termination by The Abalone Farm, Inc. for administrative kelp beds 204 and 207 following 30-day notice by the company, consistent with lease terms

13. Department informational items

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

- (A) Director's report
- (B) Marine Region
 - I. Update on automatic conformance of recreational ocean salmon and Pacific halibut regulations to federal regulations, and outcomes of International Pacific Halibut Commission and Pacific Fishery Management Council activities
 - II. Update on Marine Life Management Act (MLMA) master plan implementation and completion of a draft prioritization list of invertebrate fisheries for more focused management
- (C) Wildlife and Fisheries Division, and Ecosystem Conservation Division
- (D) Law Enforcement Division

14. Commission's annual tribal planning meeting

Discuss and potentially approve March 18, 2020 annual tribal planning meeting agenda.

15. Tribal Committee

Discuss updates and recommendations from the January 17, 2020 committee meeting. Consider approving new topics to address at a future committee meeting.

- (A) Receive January 17, 2020 meeting summary and consider adopting recommendations
- (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and consider approving new topics

16. 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
- (B) Discuss and consider approving agenda topics for the March 17, 2020 meeting

17. Recreational purple sea urchin emergency

Discuss and consider adopting emergency regulations concerning recreational take of purple sea urchin at Caspar Cove, Mendocino County, to support recovery of kelp and species that depend on kelp.

(Amend Section 29.06, Title 14, CCR)

18. Recreational Dungeness crab marine life protection measures

Receive Department update on stakeholder outreach and provide direction regarding the Department's draft options for regulation change intended to provide additional whale and turtle protections in the recreational Dungeness crab fishery.

19. Strategic planning

Discuss and provide direction on potential revisions to the mission, vision and core values, receive and potentially adopt draft goals, and provide direction on a draft plan.

20. 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 #2019-022: Increase shoreside possession limits to more than one daily recreational bag limit for multi-day fishing trips
 - II. Petition #2019-023 AM 1: Authorize hunting of ravens
 - III. Petition #2019-024 AM 1: Authorize hunting of blackbirds, cowbirds, grackles, crows, and magpies
 - IV. Petition #2019-025: Consider non-lethal beaver deterrence and listed species impacts prior to issuing depredation permits
 - V. Petition #2019-026: Reduce recreational trout bag limit for Caples Creek
- (B) Action on pending regulation petitions referred to staff or Department for review
 - I. Petition #2019-012: Prohibit hand operated water pumps for take of gaper and other clams
 - II. Petition #2019-014: Increase restrictions on recreational take of California grunion

21. 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

22. Wildlife Resources Committee

Discuss updates and recommendations from the January 16, 2020 committee meeting. Consider approving new topics to address at a future committee meeting. Discuss and consider approving draft agenda topics for the next committee meeting.

- (A) Receive January 16, 2020 meeting summary and consider adopting recommendations
- (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and consider approving new topics
- (C) Discuss and confirm current agenda topic for the March 5, 2020 meeting

23. Draft Delta Fisheries Management Policy and Striped Bass Policy

Receive update on stakeholder discussions; discuss and consider adopting a Commission Delta Fisheries Management Policy and an amended Striped Bass Policy.

24. Mammal hunting

Discuss proposed changes to mammal hunting tag quotas and seasons regulations. (Amend sections 360, 361, 362, 364, and 364.1, Title 14, CCR)

25. Waterfowl hunting (annual)

Discuss proposed changes to waterfowl hunting regulations. (Amend sections 502 and 507, Title 14, CCR)

26. Public use of Department lands

Discuss proposed changes to wildlife areas and ecological reserves regulations. (Amend sections 550, 550.5, 551, 552, 630, and 702, Title 14, CCR)

27. Central Valley sport fishing

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)

28. Klamath River Basin sport fishing

Discuss proposed changes to Klamath River Basin sport fishing regulations. (Amend subsections 5.87(f) and 7.50(b)(91.1), Title 14, CCR)

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

Discuss 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)

30. Baker's larkspur

Receive overview of the Department's five-year status review of Baker's larkspur (*Delphinium bakeri*), which is listed as an endangered species under CESA. (Pursuant to Section 2077, Fish and Game Code)

31. Clara Hunt's milkvetch

Consider and potentially act on the Department's five-year status review of Clara Hunt's milkvetch (*Astragalus claranus*), and consider recommendation and comments received to determine whether a change to the listing status from threatened to endangered under CESA may be warranted.

(Pursuant to sections 2074 and 2077, Fish and Game Code)

32. Commission administrative items

- (A) Next meeting – April 15-16, 2020 in Sacramento
- (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. 18ALJ04-FGC, the accusation filed against Keith Langman regarding revocation of a commercial fishing license, commercial trap permit, lobster operator permit, and southern rock crab trap permit.
 - II. Consider the appeal filed by Michael Anderson in Agency Case No. 19ALJ14-FGC regarding his request to renew his salmon vessel permit.
 - III. Consider the appeal filed by Douglas Dirkse in Agency Case No. 19ALJ16-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 for the most current list of meeting dates and locations.

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
March 5		Wildlife Resources* Natural Resources Building Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814 (*Purpose of meeting is to discuss 2020 Simplification of Statewide Inland Fishing Regulations proposal)	
March 17		Marine Resources Justice Joseph A. Rattigan Building Conference Room 410 50 D Street, 4 th Floor Santa Rosa, CA 95404	
March 18			Annual Tribal Planning Meeting Justice Joseph A. Rattigan Building Conference Room 410 50 D Street, 4 th Floor Santa Rosa, CA 95404
April 15 - 16	Natural Resources Building Auditorium 1416 Ninth Street, 1 st Floor Sacramento, CA 95814		
May 14	Teleconference Arcata, Santa Rosa, Sacramento and San Diego		
May 14		Wildlife Resources Justice Joseph A. Rattigan Building Conference Room 410 50 D Street, 4 th Floor Santa Rosa, CA 95404	
June 24 - 25	Santa Ana area		
July 21		Marine Resources San Clemente area	
August 18		Tribal River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540	

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
August 19 - 20	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540		
September 17		Wildlife Resources Natural Resources Building Redwood Room 1416 Ninth Street, 14 th Floor Sacramento, CA 95814	
October 14 - 15	Elihu M Harris Building Auditorium 1515 Clay Street Oakland, CA 94612		
November 9		Tribal Monterey area	
November 10		Marine Resources Monterey area	
December 9 - 10	San Diego area		

OTHER 2020 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- March 8-13, Omaha, NE
- September 13-16, Sacramento, CA

Pacific Fishery Management Council

- March 3-9, Rohnert Park, CA
- April 3-10, Vancouver, WA
- June 11-18, San Diego, CA
- September 10-17, Spokane, WA
- November 13-20, Garden Grove, CA

Pacific Flyway Council

- March 10 Omaha, NE
- August 28 (location TBD)

Western Association of Fish and Wildlife Agencies

- July 9-14, Park City, UT

Wildlife Conservation Board

- February 26, Sacramento, CA
- 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

This year marks the beginning of the 150th 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, 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; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; delivery to California Fish and Game Commission, 1416 Ninth Street, Suite 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 February 9, 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 February 14, 2020~~ has been extended to 5:00 p.m. on Monday, February 17, 2020**. Comments received by this deadline will be 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 **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** (or delivered during general 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 **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.
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 Supplemental 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.