

STAFF SUMMARY FOR APRIL 17, 2019

2. GENERAL PUBLIC COMMENT**Today's Item****Information** ☒**Action** ☐

Receive public comments, petitions for regulation change, and requests for non-regulatory actions for items not on the agenda.

Summary of Previous/Future Actions

- **Today's receipt of requests and comments** **Apr 17, 2019; Santa Monica**
- Consider granting, denying or referring **Jun 12-13, 2019; Redding**

Background

This agenda item is primarily to provide the public an opportunity to address FGC on topics not on the agenda. Staff also includes written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by written comment deadline), or as late comments at the meeting (if received by late comment deadline), for official FGC "receipt."

Public comments are generally categorized into three types under general public comment: (1) petitions for regulation change; (2) requests for non-regulatory action; and (3) informational-only comments. Under the Bagley-Keene Open Meeting Act, FGC cannot discuss any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, petitions for regulation change and non-regulatory requests generally follow a two-meeting cycle (receipt and direction); FGC will determine the outcome of the petitions for regulation change and non-regulatory requests received at today's meeting at the next in-person FGC meeting following staff evaluation (currently Jun 12-13, 2019).

As required by the Administrative Procedure Act, petitions for regulation change will be either denied or granted and notice made of that determination. Action on petitions received at previous meetings is scheduled under a separate agenda item titled "Petitions for regulation change." Action on non-regulatory requests received at previous meetings is scheduled under a separate agenda item titled "Non-regulatory requests."

Significant Public Comments

1. New petitions for regulation change are summarized in Exhibit 1, and the original petitions are provided as exhibits 3-6.
2. Requests for non-regulatory action are summarized in Exhibit 2, and the original requests are provided as exhibits 7-9.
3. Informational comments are provided as exhibits 10-14.

Recommendation

Consider whether any new future agenda items are needed to address issues that are raised during public comment and are within FGC's authority.

STAFF SUMMARY FOR APRIL 17, 2019

Exhibits

1. [Summary of new petitions for regulation change received by Apr 4, 2019 at 5:00 p.m.](#)
2. [Summary of requests for non-regulatory action received by Apr 4, 2019 at 5:00 p.m.](#)
3. [Petition #2019-004: Abandoned lobster traps, received Feb 4, 2019.](#)
4. [Petition #2019-006 AM 1: Use of bait for taking bear, received Mar 20, 2019.](#)
5. [Petition #2019-008 AM 2: Firing range in Ballona Wetlands, received Apr 8, 2019.](#)
6. [Petition #2019-009: Trinity River salmon fishing regs, received Mar 26, 2019.](#)
7. [Letter from Fred Boniello opposing use of low flow regulations to govern sport fishing access in the Gualala River, Salmon Creek, and Walker Creek, received Feb 8, 2019.](#)
8. [Email from George Osborn, on behalf of Marko Mlikotin, California Sportfishing League, requesting information on analyses and methodology used to determine sport fishing license fees, received Feb 20, 2019.](#)
9. [Letter from Dennis Fox, requesting to ban steel projectiles county-wide, and designate seasons or areas for primitive sidelock muzzleloaders, received Apr 2, 2019.](#)
10. [Letter from Brandon Criss, representing Siskiyou County Board of Supervisors, in opposition to the proposed listing of Upper Klamath-Trinity river spring Chinook salmon under California Endangered Species Act, received Feb 1, 2019.](#)
11. [Letter from Laura Bynum, on behalf of Siskiyou County Board of Supervisors, providing a copy of Resolutions 08-153 and 13-87 relating to jurisdiction over lands and/or resources in Siskiyou County, and the establishment of a policy of no net increase in State and Federal land ownership in Siskiyou County, respectively, received Feb 19, 2019.](#)
12. [Letter from Irvin Jim, Jr., representing Woodfords Washoe Community Council and the Washoe Tribe of California and Nevada, in support of Petition #2018-016 to remove Hope Valley Wildlife Area from DFW Lands Pass Program, received Mar 19, 2019.](#)
13. [Email from Jonathan Graham regarding management of aquatic vegetation and sea lion populations in the California Delta, received Mar 25, 2019.](#)
14. [Email from Thomas Mallory regarding hunting laws in Siskiyou County, received Apr 4, 2019.](#)

Motion/Direction (N/A)

CALIFORNIA FISH AND GAME COMMISSION PETITIONS
RECEIPT LIST FOR PETITIONS FOR REGULATION CHANGE: RECEIVED BY 5:00 PM ON APRIL 4, 2019
Revised 4/12/2019

General Petition Information					FGC Action	
Tracking No.	Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2019-004	2/4/2019	Mike Conroy	Abandoned Lobster Traps	Revise existing regulation authorizing retrieval of abandoned traps in subsection 122.2(h)(1) to add: "No lobster trap will be deemed abandoned during the period when lobster traps can legally be deployed as described in subsection (a)."	4/17/19	6/12-13/2019
2019-006 AM 1	3/20/2019	Jesse Harris	Use of Bait for Taking Bear	Allow bait as a method of take for bear.	4/17/19	6/12-13/2019
2019-008 AM 2	4/8/2019	Patricia McPherson	Firing Range at Ballona Wetlands Ecological Reserve (BWER)	Change regulations for the parking lot lease at BWER for the Sheriff's Department to disallow its firing range onsite.	4/17/19	6/12-13/2019
2019-009	3/26/2019	Herb Burton	Trinity River Salmon Fishing Regs	Revise open season: January 1 through September 15 with "no fishing from boat" restriction, limited to shore and wade fishing only.	4/17/19	6/12-13/2019

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY ACTION: RECEIVED BY 5:00 PM ON APRIL 4, 2019
Revised 4-12-19

FGC - California Fish and Game Commission **DFW** - California Department of Fish and Wildlife **WRC** - Wildlife Resources Committee **MRC** - Marine Resources Committee

Date Received	Name of Re requester	Subject of Request	Short Description	FGC Decision
2/8/2019	Fred Boniello	Sport fishing regulations for the Gualala River, Salmon Creek, and Walker Creek	Requests for amendments to the sport fishing regulations for the Gualala River, Salmon Creek, and Walker Creek.	Receipt: 4/17/2019 No action necessary. Staff has notified requester that a petition for regulation change form is required.
2/20/2019	George Osborn, on behalf of Marko Mlikotin, California Sportfishing League	Price of fishing licenses	Request for information on the analyses relied upon and the methodology by which sport fishing license fees are determined by FGC and DFW.	Receipt: 4/17/2019 Action scheduled: 6/12-13/2019
4/2/2019	Dennis Fox	Steel projectiles and muzzleloader seasons or areas	Request for a total ban on steel projectiles county wide, and the designation of primitive sidelock muzzleloader seasons or areas.	Receipt: 4/17/2019 No action necessary. Staff has notified requester that a petition for regulation change form is required.



Tracking Number: (2019-004)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Mike Conroy

Address:

Telephone number:

Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: FGC 1050, 8254(a)

3. Overview (Required) - Summarize the proposed changes to regulations: Add: "No lobster trap will be deemed abandoned during the period when lobster traps can legally be deployed as described in subsection (a)."

4. Rationale (Required) - Describe the problem and the reason for the proposed change: In certain locations, some permitted commercial lobster fishermen are having their traps, line and buoys (collectively "the gear") stolen by other permitted commercial lobster fisherman. Purportedly, the individual suspected of stealing the gear is claiming he is allowed to have the gear by claiming they are "derelict lobster traps" under current regulations. Because he is declaring them abandoned, the rightful owner of the gear is subject to arrest for theft if they take any actions to recover the stolen gear. The effect of this is that law abiding commercial fishermen whose gear is being stolen are disadvantaged as follows: (A) They are fishing less gear which results in lost opportunity; (B) They have to replace the gear at considerable expense; (C) They are unable to get replacement trap tags because they have not cumulatively lost at least 75 trap tags. Note – at the December 2018 FGC meeting we will be asking the MRC to schedule a discussion at its March 2019 meeting on the issue of replacement of loss tags

SECTION II: Optional Information

5. Date of Petition: November 29



6. Category of Proposed Change

- ☐ Sport Fishing
- ☒ Commercial Fishing
- ☐ Hunting
- ☐ Other, please specify:

7. The proposal is to: *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- ☒ Amend Title 14 Section(s):122.2(h)(1)
- ☐ Add New Title 14 Section(s):
- ☐ Repeal Title 14 Section(s):

8. If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition

Or ☐ Not applicable.

9. Effective date: If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: Prior to opening of 2019 commercial lobster season

10. Supporting documentation: Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Unavailable at this time due to an ongoing LED investigation

11. Economic or Fiscal Impacts: Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Should be a positive economic impact to law abiding permitted commercial lobster fishermen

12. Forms: If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received: [Received by email on Monday, February 4, 2019 at 7:51 AM.](#)

FGC staff action:

- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number 2019-004

Date petitioner was notified of receipt of petition and pending action: April 17, 2019

Meeting date for FGC consideration: June 12-13, 2019

FGC action:



- ☐ Denied by FGC
- ☐ Denied - same as petition _____
Tracking Number
- ☐ Granted for consideration of regulation change



Tracking Number: (2019-006 AM 1)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Jesse Harris

Address:

Telephone number:

Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: California Department of Wildlife Title 14: 365(e)

3. Overview (Required) - Summarize the proposed changes to regulations: Current law states that hunting bear over bait is illegal. I propose that we lift the ban on bait and allow bait as a method of take for bear.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: Since the banning of hounds for bear hunting there has not been a full bear quota taken. This is causing an increase in bear population and increasing bear/ human interaction. Legislation has taken a very valuable management tool from us by banning hounds for bear hunting. It is up to us to come up with new ways to manage our wildlife. By allowing baiting, a hunter can set up a determined location where they can plan their shooting distance. This will help create more humane kill shots due to the hunter not simply spotting a bear and taking a shot. The hunter can set their distance to where when a bear comes into bait, the hunter knows exactly how far their shot is, and can wait until the bear is in a position where a humane kill can be made. By using bait, it also allows a hunter to take the time to see if a bear is a sow with cubs. The hunter can also choose to pass on a smaller bear. By using bait, the hunter can be selective in which bear he takes. This is not always possible in spot and stalk situations, where you may see a bear, but not see its cubs just over the ridge, or in the brush. Baiting is a humane and effective management tool that can be used to manage bear populations statewide. Again, while the Commission cannot override State legislation, it is up to the Commission, and us as hunters to come up with other solutions.



SECTION II: Optional Information

5. **Date of Petition:** 03/07/2019

6. **Category of Proposed Change**

- ☐ Sport Fishing
- ☐ Commercial Fishing
- ☒ Hunting
- ☐ Other, please specify:

7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)

- ☐ Amend Title 14 Section(s):
- ☐ Add New Title 14 Section(s):
- ☒ Repeal Title 14 Section(s): 365(e)

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**

Or ☒ Not applicable.

9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: June 31st, 2019

10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Potential of increased bear tag sales

12. **Forms:** If applicable, list any forms to be created, amended or repealed:

SECTION 3: FGC Staff Only

Date received: Received by email on Friday, March 8, 2019 at 7:39 AM.

FGC staff action:

- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority

Tracking Number 2019-006

Date petitioner was notified of receipt of petition and pending action: April 17, 2019

Meeting date for FGC consideration: June 12-13, 2019



FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
Tracking Number
- ☐ Granted for consideration of regulation change

Kinchak, Sergey@FGC

From: Cornman, Ari@FGC
Sent: Friday, April 5, 2019 11:19 AM
To: Castleton, Craig@FGC; Kinchak, Sergey@FGC
Subject: FW: Updates to 3 proposed rule changes for the Commission

From: Cornman, Ari@FGC
Sent: Thursday, March 21, 2019 7:58 AM
To: Harold(David) Thesell (Harold.Thesell@FGC.ca.gov) <Harold.Thesell@FGC.ca.gov>
Cc: Castleton, Craig@FGC <Craig.Castleton@FGC.ca.gov>
Subject: FW: Updates to 3 proposed rule changes for the Commission

From: FGC
Sent: Thursday, March 21, 2019 6:20 AM
To: Kinchak, Sergey@FGC <Sergey.Kinchak@FGC.ca.gov>; Cornman, Ari@FGC <Ari.Cornman@FGC.ca.gov>
Subject: Fw: Updates to 3 proposed rule changes for the Commission

Forwarding an update to three pending petitions.

Jon

From: Jess Harris
Sent: Wednesday, March 20, 2019 05:57 PM
To: FGC
Subject: Updates to 3 proposed rule changes for the Commission

I would like to update my proposals.

For the proposal to add fox to the electric calls list, I need to update the authority. Here is the cited authority: Note: Authority cited: Sections 200, 202, 203, 355, 3003.1, 3800 and 4150, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 355, 356, 2055, 3003.1, 3004.5, 3800 and 4150, Fish and Game Code.

For the bear baiting proposal, here is the cited authority: Note: Authority cited: Sections 86, 200, 202 and 203, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1 and 207, Fish and Game Code

I would also like to withdraw my proposal for night hunting lights.

I also would like to waive my 10 day period to receive a letter regarding my proposals.

Thank you very much for your time,
Jesse Harris



Tracking Number: (2019-008 AM 2)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: Grassroots Coalition, Patricia McPherson

Address:

Telephone number:

Email address:

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Amend Title 14, Section(s): 630.

Sections 1765 and 10504, Fish and Game Code.



3. Overview (Required) - Summarize the proposed changes to regulations: Los Angeles County Parking Lot exemption at Ballona Wetlands Ecological Reserve (BWER) in Los Angeles. The parking lot lease for the Sheriff's Department, located within BWER needs to be rejected and/or changed to disallow its FIRING RANGE onsite. Recent events demonstrate the facility to be hazardous to both the wildlife, private users of the parking lot and their vehicles, and the public.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: On March 9, 2019, an out of control fire swept through the facility. Video documentation demonstrates fire spewing out through an opened doorway while shots of multiple rounds of ammunition explode into the facility and throughout the area outside of the facility. There is no immediate horizon for release of the DEIR for BWER. The DEIR may not be released for years to come due to numerous corrections that need to be made both at the state level and in particular, federal level that is ongoing. If the DEIR is released in its current form, it will be legally challenged due to its failure to include a restoration of its nature as a predominantly freshwater, seasonal wetland. Therefore, Staff recommendation of 4/27/17, 'not recommending making any land use changes until after the environmental impact report is complete' is unreasonable and potentially hazardous to the health and well-being of the environment, the wildlife, the public and private persons.



SECTION II: Optional Information

5. **Date of Petition:** Petition – 3/10/19
6. **Category of Proposed Change**
- ☐ Sport Fishing
 - ☐ Commercial Fishing
 - ☐ Hunting
 - ☒ Other, please specify: LA County Parking Exemption within Ballona Wetlands Ecological Reserve.
7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*
- ☒ Amend Title 14 Section(s):630(h)(3), T14
 - ☐ Add New Title 14 Section(s):
 - ☐ Repeal Title 14 Section(s):
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Same parking lot , different Petition, 2017-003.
Or ☐ Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: Requires immediate attention as the portable (destroyed) FIRING RANGE facility may be taken out and simply replaced with another portable FIRING RANGE thereby creating another hazardous situation..
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: VIDEO DOCUMENTATION OF THE INCIDENT on 3/9/19, documented by Rick Pine.
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: no known impacts
12. **Forms:** If applicable, list any forms to be created, amended or repealed:
None known applicable

SECTION 3: FGC Staff Only

Date received: [Received by email on Monday, March 11, 2019 at 7:27 AM.](#)

FGC staff action:

- ☒ Accept - complete
- ☐ Reject - incomplete
- ☐ Reject - outside scope of FGC authority



State of California – Fish and Game Commission

PETITION TO THE CALIFORNIA FISH AND GAME COMMISSION FOR REGULATION CHANGE

FGC 1 (NEW 10/23/14) Page 3 of 3

Tracking Number 2018-008

Date petitioner was notified of receipt of petition and pending action: April 17, 2019

Meeting date for FGC consideration: June 12-13, 2019

FGC action:

- ☐ Denied by FGC
- ☐ Denied - same as petition _____
Tracking Number
- ☐ Granted for consideration of regulation change

Cornman, Ari@FGC

From: FGC
Sent: Thursday, March 28, 2019 2:23 PM
To: Cornman, Ari@FGC
Cc: Kinchak, Sergey@FGC
Subject: Fw: AMENDMENT TO --FCG Petition BY GRASSROOTS COALITION sent 3/10/19 Ballona Wetlands Ecological Reserve-LA COUNTY PARKING LOT HAZARDOUS CONDITIONS
Attachments: FGC1.pdf; IMG_3762.MOV

From: patricia mc pherson
Sent: Thursday, March 28, 2019 11:04 AM
To: FGC
Subject: AMENDMENT TO --FCG Petition BY GRASSROOTS COALITION sent 3/10/19 Ballona Wetlands Ecological Reserve-LA COUNTY PARKING LOT HAZARDOUS CONDITIONS

Attention to FGC-

Grassroots Coalition wishes to amend its Petition of March 10, 2019—below, to include all aspects of Title 14, Section 630 that may be applicable to the current Petition of Grassroots Coalition. The following link provides Title 14, Section 630, to which the Petition utilizes any and all portions of Section 630 for the Petition. The link provides Title 14, Section 630 of an Ecological Reserve including Ballona Wetlands Ecological Reserve.

Grassroots Coalition also wishes to waive any 10 response period per this amendment to its current Petition.

LINK for Title 14, Section 630-

[https://govt.westlaw.com/calregs/Document/IFBA6186B2BAF46948C0E12549289136F?originationContext=Search+Result&listSource=Search&viewType=FullText&navigationPath=Search%2fv3%2fsearch%2fresults%2fnavigation%2fi0ad720f200000169c53d53c28a24496f%3fstartIndex%3d1%26Nav%3dREGULATION_PUBLICVIEW%26contextData%3d\(sc.Default\)&rank=1&list=REGULATION_PUBLICVIEW&transitionType=SearchItem&contextData=\(sc.Search\)&t_T1=14&t_T2=630&t_S1=CA+ADC+s](https://govt.westlaw.com/calregs/Document/IFBA6186B2BAF46948C0E12549289136F?originationContext=Search+Result&listSource=Search&viewType=FullText&navigationPath=Search%2fv3%2fsearch%2fresults%2fnavigation%2fi0ad720f200000169c53d53c28a24496f%3fstartIndex%3d1%26Nav%3dREGULATION_PUBLICVIEW%26contextData%3d(sc.Default)&rank=1&list=REGULATION_PUBLICVIEW&transitionType=SearchItem&contextData=(sc.Search)&t_T1=14&t_T2=630&t_S1=CA+ADC+s)

Thank you for your attention to these matters and please let GC know if there is any need for further clarification.

Patricia McPherson, Grassroots Coalition

Begin forwarded message:

From: patricia mc pherson

Subject: FCG Petition BY GRASSROOTS COALITION sent 3/10/19 Ballona Wetlands Ecological Reserve-LA COUNTY PARKING LOT HAZARDOUS CONDITIONS

Date: March 10, 2019 at 11:35:43 AM PDT

To: FGC <fgc@fgc.ca.gov>

Cc: Jeanette Vosburg <saveballona@hotmail.com>, Walter Lamb <landtrust@ballona.org>, Rick P
>, "Todd T. Cardiff, Esq." <todd@tcardifflaw.com>



Hello California Fish & Game Commission,

Please accept and review the Petition below as soon as possible,

Thank you,

Patricia McPherson, Grassroots Coalition

ATTACHMENTS:

Additional Comments:

Unexplained Reasons and Missing Information-

For, allowing a Sheriff's Department's Portable FIRING RANGE within Ballona Wetlands Ecological Reserve; in an area currently allowed by FGC for parking by persons affiliated with private businesses at Fisherman's Village (Fisherman's Village already has ample parking and is underused with numerous, daily vacant areas of the Fisherman's Village lot.)

The public, the Reserve, wildlife and the persons and vehicles using the current parking lot of BWER are at risk from potentially hazardous conditions arising again as occurred with the fire and subsequent bullet explosions and releases that occurred on 3/9/19.

There is already ample parking for Sheriff's Department Personnel's vehicular parking needs within the Fisherman's Village parking lot.

Outline the purposes of Proposition 50 and Proposition 12 bond funds used to acquire the Ballona Wetlands for approximately \$140 million, and explain how the FIRING RANGE and Sheriff's Dept. personnel parking serves those goals.

Elaborate on CDFW Director claims that parking is a current problem at the ecological reserve, given that the reserve is closed to the public, and that there is ample parking at various parking lots adjacent to BWER and ride share/ transport available throughout the Marina del Rey.

Action Requested-

-Immediately eliminate private, non-reserve related parking on the state-owned ecological reserve including the FIRING RANGE operated by the Sheriff's Department.

-Calendar a near-by and ASAP substantive discussion and vote on the use of the BWER lot by the Sheriff's Department and other County personnel and private parties (non -public) needs and risks at the lot. Additionally, provide for a substantive discussion regarding the environmental, wildlife and public risks.

The Firing Range Trailer(s) is located in the BALLONA WETLANDS ECOLOGICAL RESERVE (parking lot shown in top picture below. Fisherman's Village parking lot is shown below the BWER lot)



Ample parking in county lot



Lot is NOT for public access to coast





Screen shot only below. See video at top of Petition.

Rick



patricia mc pherson

Cornman, Ari@FGC

From: FGC
Sent: Tuesday, April 9, 2019 8:45 AM
To: Cornman, Ari@FGC
Subject: Fw: AMENDMENT TO --FCG Petition BY GRASSROOTS COALITION sent 3/10/19 Ballona Wetlands Ecological Reserve-LA COUNTY PARKING LOT HAZARDOUS CONDITIONS

From: patricia mc pherson
Sent: Monday, April 8, 2019 06:10 PM
To: FGC
Subject: Re: AMENDMENT TO --FCG Petition BY GRASSROOTS COALITION sent 3/10/19 Ballona Wetlands Ecological Reserve-LA COUNTY PARKING LOT HAZARDOUS CONDITIONS

Attention to FGC per Grassroots (GC) Petition of March 10, 2019

For clarification purposes please AMEND the Petition request to read that GC requesting REGULATION CHANGES to the parking lot lease agreement.

GC continues to utilize any/all portion of Title 14, Section 630 applicability for the Petition to be heard, including but not limited to Section 30 (h)(3).

Thank you for your attention to this matter and please let GC know if any further clarification(s) is needed to address the Firing Range issue of use.

Patricia McPherson, Grassroots Coalition

On Mar 28, 2019, at 11:04 AM, patricia mc pherson

wrote:

Attention to FGC-

Grassroots Coalition wishes to amend its Petition of March 10, 2019—below, to include all aspects of Title 14, Section 630 that may be applicable to the current Petition of Grassroots Coalition.

The following link provides Title 14, Section 630, to which the Petition utilizes any and all portions of Section 630 for the Petition. The link provides Title 14, Section 630 of an Ecological Reserve including Ballona Wetlands Ecological Reserve.

Grassroots Coalition also wishes to waive any 10 response period per this amendment to its current Petition.

LINK for Title 14, Section 630-

[https://govt.westlaw.com/calregs/Document/IFBA6186B2BAF46948C0E12549289136F?originat ionContext=Search+Result&listSource=Search&viewType=FullText&navigationPath=Search%2fv 3%2fsearch%2fresults%2fnavigation%2fi0ad720f200000169c53d53c28a24496f%3fstartIndex%3 d1%26Nav%3dREGULATION_PUBLICVIEW%26contextData%3d\(sc.Default\)&rank=1&list=REGUL ATION_PUBLICVIEW&transitionType=SearchItem&contextData=\(sc.Search\)&t T1=14&t T2=63 0&t S1=CA+ADC+s](https://govt.westlaw.com/calregs/Document/IFBA6186B2BAF46948C0E12549289136F?originat ionContext=Search+Result&listSource=Search&viewType=FullText&navigationPath=Search%2fv 3%2fsearch%2fresults%2fnavigation%2fi0ad720f200000169c53d53c28a24496f%3fstartIndex%3 d1%26Nav%3dREGULATION_PUBLICVIEW%26contextData%3d(sc.Default)&rank=1&list=REGUL ATION_PUBLICVIEW&transitionType=SearchItem&contextData=(sc.Search)&t T1=14&t T2=63 0&t S1=CA+ADC+s)

Thank you for your attention to these matters and
please let GC know if there is any need for further clarification.

Patricia McPherson, Grassroots Coalition

Begin forwarded message:

From: patricia mc pherson
Subject: FCG Petition BY GRASSROOTS COALITION sent 3/10/19 Ballona
Wetlands Ecological Reserve-LA COUNTY PARKING LOT HAZARDOUS
CONDITIONS
Date: March 10, 2019 at 11:35:43 AM PDT
To: FGC <fgc@fgc.ca.gov>
Cc: Jeanette Vosburg <saveballona@hotmail.com>, Walter Lamb
<landtrust@ballona.org>, Rick P , "Todd T. Cardiff, Esq."
<todd@tcardifflaw.com>

<Screen Shot 2017-04-22 at 8.55.19 AM.png>

Hello California Fish & Game Commission,

Please accept and review the Petition below as soon as possible,
Thank you,
Patricia McPherson, Grassroots Coalition

<FGC1.pdf>

ATTACHMENTS:

<IMG_3762.MOV>

Additional Comments:

<Screen Shot 2019-03-10 at 10.51.25 AM.png>

The Firing Range Trailer(s) is located in the BALLONA WETLANDS ECOLOGICAL RESERVE (parking lot shown in top picture below. Fisherman's Village parking lot is shown below the BWER lot)

<Screen Shot 2019-03-10 at 10.22.07 AM.png>

<Screen Shot 2019-03-10 at 11.27.41 AM.png>

<Screen Shot 2019-03-10 at 11.28.44 AM.png>

<Screen Shot 2019-03-10 at 11.29.39 AM.png>

Screen shot only below. See video at top of Petition.

<Screen Shot 2019-03-10 at 8.09.25 AM.png>

patricia mc pherson

patricia mc pherson

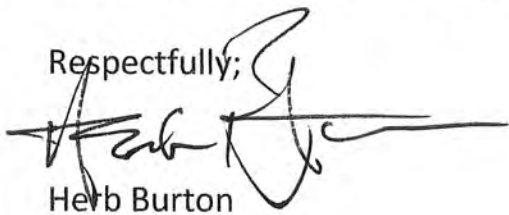


March 25, 2019

Attention: California Fish and Game Commission
1416 Ninth Street Suite 1320
Sacramento, CA 95814

Attached, enclosed is a petition (and attachments A & B) agenda item for the upcoming April 17, 2019 CFGC meeting in Santa Monica. Should you have any further questions feel free to contact me at any time.

Respectfully;



Herb Burton



Tracking Number: (2019-009)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. **Person or organization requesting the change (Required)**
Name of primary contact person: Herb Burton, Trinity County Board of Supervisors
Address:
Telephone number:
Email address:
2. **Rulemaking Authority (Required)** - Reference to the statutory or constitutional authority of the Commission to take the action requested: REFERENCE: 200,205,265,270 AUTHORITY: 200,205,265,270.
3. **Overview (Required)** - Summarize the proposed changes to regulations: (State Special Regulation 14CCR 7.50 Trinity River mainstream 250ft. downstream of Lewiston Dam to Old Lewiston Bridge; Open Season April 1 through September 15). PROPOSAL: Revise Open Season: January 1 through September 15 with no fishing from a boat restriction, limited to shore and wade fishing only. Refer Attachment A.
4. **Rationale (Required)** - Describe the problem and the reason for the proposed change: Increase Trinity County fishing opportunities minimize impacts to spring Chinook salmon and promote off season (winter) tourism and economic opportunities that would benefit Trinity County's struggling economy. Refer Attachment A

SECTION II: Optional Information

5. **Date of Petition: March 25, 2019**
6. **Category of Proposed Change**
☒ Sport Fishing

Attachment A

MEMORANDUM

Date: March 25, 2019

TO: California Fish and Game Commission
1416 Ninth Street, Suite 1320
Sacramento, CA 95814

FROM: Herb Burton, Trinity County Board of Supervisors

SUBJECT: Agenda item for State Fish and Game Commission meeting (April)
Trinity River Sport Fishing Regulation revision. State Special Regulation (14CCR 7.50) Trinity River mainstream from 250 ft. downstream of Lewiston Dam to Old Lewiston Bridge, Open Season-April 1 through September 15.

PROPOSAL: Revise open season: **January 1 through September 15 with no fishing from a boat restriction, limited to shore and wade fishing only (250 ft. downstream of Lewiston Dam to Old Lewiston Bridge).** Extended season will provide additional three months fly fishing for winter trout and steelhead. No fishing from a boat restriction will help to minimize potential impacts to fish stocks and ensure quality angling experiences.

PURPOSE: *increase Trinity County fishing opportunities
*minimize impacts to spring chinook salmon
*promote off season (winter) tourism and economic opportunity while having minimal biological impact.

HISTORY: Since the completion of Trinity and Lewiston Dams (1964), over half a century the Trinity River, 250 ft. below Lewiston Dam downstream to the Old Lewiston Bridge, has been managed Fly Fishing only. These waters represent one of the two designated Fly Fishing only waters in California. The two mile reach is managed for Trinity River anadromous hatchery salmon and steelhead mitigation. Special season and regulations (gear restrictions, reduced daily bag limit, and greater angling majority exercise CATCH & RELEASE) help to protect and provide

anglers the opportunity to fly fish for trout and steelhead with minimal impacts to fish stocks and Lewiston hatchery operations. Hatchery Chinook and Coho spawning production is completed December. Hatchery steelhead spawning production ends March. Past several years Lewiston hatchery steelhead mitigation goals have been achieved. Historically, late 60's thru 80's the TR Fly Fishing only water open season was Memorial weekend through September 15...Since the 2000 TR Record of Decision open season was revised April 1 through September 15, providing additional angling opportunities, before restoration (high volume) flushing flows released. Neighboring Klamath River below Iron Gate Dam and hatchery is currently managed with a January 1 open season.

RECOMMENDATION: Sport fishing provides a major economic boost to Trinity County's economy. Unfortunately 2018- 2019 presented some major economic challenges. DFW is in the process of listing spring Chinook salmon threatened or endangered and has closed all spring Chinook salmon fishing in the Klamath and Trinity Rivers. The Carr fire impacted a number of major headwater and mainstream tributaries that are purging undesirable sediments loads. The proposal is even more important after the fires due to Deadwood Creek turbidity and that at times it could be the only opportunity on the mainstream Trinity River. The Trinity River Fly Fishing only water represents one of the oldest and most popular special managed fisheries in California. Endorsing (14CCR 7.50) proposed extended open season: **January 1 through September 15 and no fishing from a boat restriction, limited to shore and wade fishing only (250 ft. below Lewiston Dam down to the Old Single Lane Bridge)** would provide additional three months (winter) angling opportunities that would benefit Trinity County businesses and struggling economy while having minimal biological impact.



TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613
PHONE (530) 623-1217 FAX (530) 623-8365

March 19, 2019

California Fish and Game Commission
PO Box 944209
Sacramento, CA 94244-2090

To whom it concerns:

Re: Expanding open season to January 1 through September 15

The Trinity County Board of Supervisors is in full support of this proposed action. This action would expand the open season to January 1 through September 15, on the section of Trinity River that is 250 feet downstream of Lewiston Dam to the Old Lewiston Bridge. This action would keep the no fishing from boat restriction and limit angling to shore and wade fishing only. We feel this would benefit angling opportunities in the county which in turn would benefit off-season tourism and expand economic opportunity on the river. This reach is managed for hatchery salmon and steelhead thus there would be minimal biological impacts on the river.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy Morris".

Judy Morris, Chairman
Trinity County Board of Supervisors

KEITH GROVES
DISTRICT 1

JUDY MORRIS
DISTRICT 2

BOBBI CHADWICK
DISTRICT 3

JEREMY BROWN
DISTRICT 4

JOHN FENLEY
DISTRICT 5

February 5, 2019

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2019 FEB -8 PM 12:36

Melissa Miller-Henson
Fish & Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Hello,

I am writing to you about the Sport Fishing Regulations for the Gualala River, Salmon Creek and Walker Creek. The current low flow regulation states there will be no fishing allowed until a flow of 150 c.f.s. is achieved and maintained throughout a 3 day period. The problems this regulation poses to sport fishermen are numerous.

The gauge measuring the flow is just below the confluence of the South and Wheatfield forks with 3 large tributaries and the North fork below the gauging station. The flow is two to three times higher than the required minimum flow to allow for sport fishing. "By far most sport fishing is done "below" the North fork" making sport fishing ridiculous. Yet the D.F.G. claims this to be the direction taken for the allowance of sport fishing. When water flows drop towards the 150 c.f.s. minimum flow requirement the three day window of opportunity comes into play making it hard and at times impossible for planned or unplanned trips for sport fishing on the Gualala River, Salmon and Walker Creeks during these somewhat favorable conditions for the sport angler. Stop this approach.

The D.F.G. claims responsibility for the protection and preservation of fish species in these waters. But has yet to address the allowance of bait in these waters.

These waters are inhabited by wild fish only. They are also catch and release only sport fisheries. The allowance of bait use on these waters must be stopped, in spite of claims by some and even the D.F.G. that this method of sport fishing is a time-honored tradition. If that were the case then anglers should be allowed to take fish in these waters because of time-honored tradition. That of course does not make sense.

I will address the reasons that are also echoed by most to stop the use of bait in these catch and release only waters. Bait users will at times take a fish for their bait content "roe or fish eggs" which is poaching in catch and release only waters, resulting in the senseless and illegal death of a sport fish. Some bait anglers will wait after an initial take of their bait is detected for the fish to swallow the bait so it can't come off, many times resulting in the death of a fish in catch and release only waters. Some of these practices are not illegal as is the case of the swallowed bait. To stop the use of bait by regulation in catch and release waters would stop any and all of this. I have, along with others, witnessed these practices over a 40 year period of fishing these waters. Bait is too damned effective on these wild fish streams.

On the Gualala River it is legal to fish from a floatation device from the North Fork downstream, from March 1st to the end of the season March 31st. This should not be allowed because it interferes with bank fisherman (mostly in waders), and is unfair to other anglers.

Before "Low Flow No Fishing" was implemented in the regulations the Gualala River, Salmon Creek and Walker Creek had a different type of low flow regulation. It was gauged off of the Russian. When the Russian River was flowing at 500 c.f.s. or more measured at Hacienda those streams were open to fishing on a weekly basis. This made it easier for anglers to fish these streams. They had a 7 day window of opportunity, without having the burden along with poor cell phone service to obtain information on opening and closures of these waters every three days and in many cases everyday. The D.F.G. has gone too far in it's regulatory practice toward sport anglers to implement this "insane anglers walk in the dark regarding opening and closures for sport fishing", more of D.F.G.'s human yo-yo ism.

Myself and others realize the need for low flow closures on these waters. There is a much easier way to accomplish this. It would be to reinstate the Russian River 500 c.f.s. trigger for opening of these waters. (This could be increased to 600 c.f.s.)

This flow increase would provide fish upstream and downstream travel with less angling impact. Myself and others realize that the Russian River takes longer to drop out and clear than other coastal streams. Anglers cannot sport fish the Russian River when it is high and muddy. At those conditions anglers were able to sport fish other coastal streams such as the Gualala River, Salmon Creek and Walker Creek (amongst other coastal waters) while water flows on the Russian River would drop to fishable conditions and prompt the closure of the other coastal streams mentioned.

Keep bait and bobbers out of these coastal streams. Return a 7 day uninterrupted regulatory policy for sport fishing on these streams. Revise low flow requirements by way of a lower gauge flow and or relocate the gauge to an area that makes sense, or go back to Russian River flows with an increase to trigger openings of these other coastal streams. In doing this anglers would also help keep an eye out for any illegal practices.

Myself and other anglers are aware of photos taken at different locations on the Gualala River by biologists and other D.F.G. affiliates showing many fish upstream on the main stem of the Gualala River during low clear water conditions. This "one year situation" was used by the D.F.G. to falsely assume their reasoning for current low flow, 3 day at a time sport fishing.

The D.F.G. needed to realize this one year situation was rare and not to implement regulations based on their photos for a short period for that one year. The D.F.G. also needs to realize that any boat, including drift boat fishing, is futile under lower water conditioning because of dragging or the inability of boats to complete the drift or "float" during daylight hours, leaving them in the dark. The float or drift takes all day in higher water conditions because of the distance between put in and take out locations.

Myself and others will contest to these situations having witnessed them over many years of angling and becoming familiar to the area.

Yes, I do expect a response from the D.F.G.

Fred Boniello

From: George Osborn <george@osbornstrategies.com>
Sent: Wednesday, February 20, 2019 7:05 PM
To: FGC
Subject: Attached letter
Attachments: 2-20-19 FishingLicPriceInflator.pdf

Please distribute the attached letter to President Sklar and the other commissioners.

Thank you and have a great evening!

--

George L. Osborn
1127 11th St., Suite 225
Sacramento, CA 95814
(916) 290-2789
george@osbornstrategies.com



February 19, 2019

Eric Sklar
President
Fish and Game Commission
1416 Ninth Street, Ste. 1320
Sacramento, CA 95814

Charleton Bonham
Director
California Department of Fish and Wildlife
1416 9th Street, 12 Floor
Sacramento, CA 95814

RE: State's methodology for determining price of fishing licenses

Dear President Sklar and Director Bonham:

As you well know, California's annual resident fishing license sales have decreased over 55% since 1980, while the state's population has increased over 60%. In 1980, just over 2.2 million fishing licenses were sold and today that figure has dropped to approximately 1 million.

As an organization committed to increasing fishing participation rates and outdoor economic activity, we are concerned about the high cost of fishing and how the State of California determines the price of fishing licenses, stamps, permits, tags and other entitlements.

A contributing factor to high costs is the State's statutory requirement to use the Implicit Price Deflator for State and Local Government's purchases of goods and services, as published by the U.S. Department of Commerce to set prices, which does not appear to consider current market conditions, or supply and demand in a highly competitive market for outdoor activity.

According to Southwick and Associates, a national market research firm that analyzes state fishing license structures, one the consequences of this method of determining price is that **since 1986 "the price of California's resident license has increased 216% which is 41% greater than the rate of inflation."**

Section 713 (g) of the Fish and Game Code requires the Fish and Game Commission and the Department of Fish and Wildlife to analyze "fishing licenses, stamps, permits, tags and other entitlements" to **"ensure the appropriate fee amount is charged."**

*(g) The department and the commission, at least every five years, shall analyze all fees for licenses, stamps, permits, tags, and other entitlements issued by it to ensure the appropriate fee amount is charged. **Where appropriate, the department shall recommend to the Legislature or the commission that fees established by the commission or the Legislature be adjusted to ensure that those fees are appropriate.***

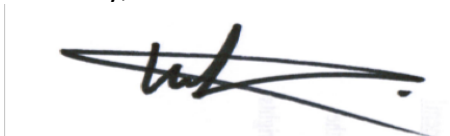
As an organization that regularly attends Commission hearings and works closely with the Department on increasing fishing participation, we do not recall seeing such an analysis as required by FGC § 713(g). So, would you please be so kind to provide us a copy of the two most recent analyses and any recommendation(s) by the Department, if any, to the Commission or the Legislature discussing whether license fees are set at an appropriate level. Given that the price of fishing licenses have increased five times over the past eight years by 11.18%, analysis such as that required by FGC §713(g) would inform the Legislature and stakeholders that the license fees are set at an appropriate level (or not, if that is the case).

To better understand how the state determines license fees, thank you for responding to the following questions:

1. Is the Implicit Price Deflator being applied properly?
2. Does the Implicit Price Deflator consider price elasticity of demand or in other words, does it evaluate the impact of higher prices on overall sales?
3. Do any other states use the Implicit Price Deflator to set license fees?
4. In today's market, is the Implicit Price Deflator an outdated method to determine license fees and if not, why not?
5. Will the Department and the Commission explore whether the Implicit Price Deflator should be replaced by a method that allows the Department to more effectively market sport fishing licenses?
6. So that the Commission can be more responsive to market forces, environmental circumstances, habitat issues, fishery stock assessments and conservation measures, should the California Fish and Game Commission be delegated authority to determine sport fishing license pricing as is done in several other states?

We would greatly appreciate a written response to these questions and ask that the Commission address this subject matter at its next public hearing. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marko Mlikotin', is written over a light blue rectangular background.

Marko Mlikotin
Executive Director

cc: Members, Assembly Committee on Water, Parks and Wildlife
Members, Senate Committee on Natural Resources and Water
Members, Senate Committee on Budget and Fiscal Review
Members, Assembly Committee on the Budget
Sen. Mike McGuire, Chair, Joint Fisheries and Aquaculture Committee

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2019 APR -2 PM 2:00

Board of Supervisors, County of Kern
1350 Truxton Ave
Bakersfield, CA 93301

Subject: Request for Fire Emergency proposals referral

Mister Chairman, Board Members and Staff

I have several times supported the Fire Emergency extension due to fire hazards from dead trees in the County. I have two proposals to somewhat mitigate the problem that has arisen from the State ban on lead bullets to take effect this year:

Some lead shot and shotgun slugs may be replaced by steel which if it strikes a rock starts a fire. This has already caused fires from use of cheap imported bimetal bullets. Steel is also non-expanding and does not facilitate a humane kill. Steel is also a hazard to oil field infrastructure and at one time there was a map showing a shooting closure, but it was too confusing and abandoned. I would propose the following:

A total ban on Steel projectiles County wide with, perhaps, exemptions for wildlife refuges and shooting ranges.

The second proposal is to allow primitive sidelock muzzleloader seasons or areas to be designated in this State. Regular rifle's and modern muzzleloader gun's bullets have the ability to travel from huntable lands into the oil fields. The oil companies Habitat Conservation Plan entails about two million acres of which fifty thousand is Federal BLM. The primitive or sidelock rifle has a limited range and would lessen any transfer into oil company properties, even those north of this county. Other counties may also be interested, such as those who only allow shotgun use for safety reasons, as the sidelock range is similar to the shotgun. Dr. Pratt of SUB Biology Dept. sees a need to limit the over browsing of chaparral as a cause of its becoming fire prone, and the post fire browsing of resprouts as causing the deadly mudslides.

While the California Deer Assn. of hunters has shown no interest in increasing the hunting opportunities with a mix of seasons such as there is in Pennsylvania, the Counties may be interested in the Sidelock use in reducing feral hogs which often are not only destructive of habitat, but also blamed for recall of lettuce because of transmitted disease. While not a fire ignition related item, I believe that the State Association of Counties may wish to endorse this firearm option as it has impacts on local economies and public health. For this reason it would be sensible if local as well as State fire and public health agencies have input sidelock season and locales to the Department of Fish and Wildlife and the Fish and Game Commission for making determinations of hunting as a tool.

I would now request that these two proposals be referred to both the State County Association and local staff for input and determination of feasibility until next month's Emergency Declaration.

Sincerely,





COUNTY OF SISKIYOU

Board of Supervisors

P.O. Box 750 □ 1312 Fairlane Rd
Yreka, California 96097
www.co.siskiyou.ca.us

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
2019 FEB -1 PM 1:30
(530) 842-8005
FAX (530) 842-8013
Toll Free: 1-888-854-2000, ext. 8005

January 22, 2019

Eric Sklar, President
California Fish and Game Commission
P.O. Box 944209 Sacramento, CA 94244-2090

Subject: Considering of Petition to List the Upper Klamath-Trinity River Spring Run Chinook Salmon as Endangered

Dear President Sklar:

The Siskiyou County Board of Supervisors is submitting this letter to express our opposition to the proposed listing of the Upper Klamath-Trinity Rivers Basin ("UKTR") Chinook salmon (*Oncorhynchus tshawtscha*), as petitioned by the Karuk Tribe and Salmon River Restoration Council.

A previous listing petition was determined a "not warranted" finding made in 2012. Although the more recent petition has been determined that it "may be warranted", the findings are narrowly related to two underlying causes; 1) disease and 2) regulatory mechanisms. Both are tangible, discrete findings that can be addressed to the benefit of future spring runs through proper management and decision making.

Siskiyou County believes there are other options and avenues to addressing the needs of UKTR Chinook, many of which are already under development or are being addressed through volunteer, local, state and federal efforts. Currently, a large group of stakeholders, including Siskiyou County, are engaged in a coalition to address water quality and habitat for coho salmon, which will have benefits for UKTR Chinook. Additionally, over the years there have been several programs and projects completed by local groups and water users to address the needs of fisheries, including the currently listed coho salmon. However, listing of coho salmon as endangered has done little to significantly help the species over the years, yet has had detrimental impacts on the drivers of Siskiyou County's economy and culture, including agriculture and our local fishing guides. Siskiyou County is proactive in addressing the needs of all fisheries and those who depend on fish, but we do not believe that an additional endangered species listing in the Klamath Watershed will result in quantifiable solutions.

There are several fishing guide services throughout Siskiyou County who conduct business on the Klamath River and other local rivers. Recreational and commercial fishing is economically important for many members of our communities throughout northern California, where the per capita median income is well below state average; \$40,884 in Siskiyou County. A listing of the UKTR Chinook could result in losses at local hospitality, restaurant, and service sector industry, which benefit from people who visit the area as part of their fishing excursions; in addition to the economic impacts to the fishing

Brandon Criss
District 1

Ed Valenzuela
District 2

Michael N. Kobseff
District 3

Lisa Nixon
District 4

Ray Haupt
District 5

guides as a result of restrictions on fishing activities. The potential job and economic losses are another burden placed upon our counties by regulators who are disconnected from the engines of our local economies.

We ask that you consider our concerns, the livelihoods and businesses affected, when considering this petition. We stand ready to engage on proper management, enforcement, and other additional measures including hatchery management, season restrictions, and more. Listing is not, and should not be, the only solution to these problems.

We look forward to the opportunity to work with you on this important issue and hope to hear from you soon. If interested please contact Elizabeth Nielsen, Project Coordinator, at enielsen@co.siskiyou.ca.us or (530) 842-8012.

This letter was approved by the Siskiyou County Board of Supervisors on January 22, 2019, by the following vote:

AYES: Supervisors Haupt, Kobseff, Valenzuela, Nixon and Criss
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Sincerely,



Brandon A. Criss, Chair
Board of Supervisors

cc: Director Chuck Bonham, California Department of Fish and Wildlife
Undersecretary Tom Gibson, California Department of Natural Resources
Alan Mikkelsen, Department of the Interior
Assemblyman Brian Dahle
Congressman Doug LaMalfa
Congressman Jared Huffman



COUNTY OF SISKIYOU

Laura Bynum, County Clerk - Registrar of Voters
510 N Main Street
Yreka, CA 96097-2525

2019 FEB 19 PM 1:30

Memorandum

TO: Concerned Agencies

FROM: Laura Bynum, County Clerk *Wendy*
By: Wendy Winningham, Deputy County Clerk

DATE: February 14, 2019

RE: Enclosed Resolutions

Per direction of the Siskiyou County Board of Supervisors on August 12, 2008, enclosed please find Resolution 08-153, a Resolution of the Siskiyou County Board of Supervisors asserting legal standing and formally requesting coordination with all Federal and State agencies maintain jurisdiction over lands and/or resources located in Siskiyou County.

Also, per direction of the Siskiyou County Board of Supervisors on June 11, 2013, enclosed please find Resolution 13-87, a Resolution of the Siskiyou County Board of Supervisors establishing a policy of no net increase in State and Federal land ownership in Siskiyou County.

Please feel free to contract me if you have any questions at 530-842-8015.

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SISKIYOU ASSERTING LEGAL
STANDING AND FORMALLY REQUESTING
COORDINATION WITH ALL FEDERAL AND STATE AGENCIES
MAINTAINING JURISDICTION OVER LANDS AND/OR
RESOURCES LOCATED IN SISKIYOU COUNTY

WHEREAS, Siskiyou County is a public unit of local government and a five member elected Board of Supervisors serves as its chief governing authority; and,

WHEREAS, the Siskiyou County Board of Supervisors is charged with supervising and protecting the tax base of the County and establishing comprehensive land use plans (including, but not limited to, the General Plan) outlining present and future authorized uses for all lands and resources situated within the County; and,

WHEREAS, Siskiyou County is engaged in the land use planning process for future land uses to serve the welfare of all the citizens of Siskiyou County; and,

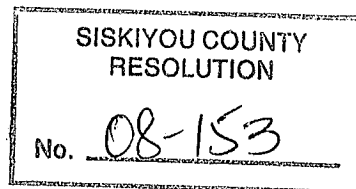
WHEREAS, approximately sixty-eight percent (68%) of lands in Siskiyou County are publicly owned, managed, and/or regulated by various federal and state agencies; and,

WHEREAS, the citizens of Siskiyou County historically earn their livelihood from activities reliant upon natural resources and land which produces natural resources is critical to the economy of Siskiyou County; and,

WHEREAS, the economic base and stability of Siskiyou County is largely dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to, recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits; and,

WHEREAS, Siskiyou County desires to assure that federal and state agencies shall inform the Board of Supervisors of all ending or proposed actions affecting local communities and citizens within Siskiyou County and coordinate with the Board of Supervisors in the planning and implementation of those actions; and,

WHEREAS, coordination of planning and management actions is mandated by federal laws governing land management, including the Federal Land Policy and Management Act, 43 USC § 1701, and 43 USC § 1712, regarding the coordinate status of a county engaging in the land use planning process, and requires that the "Secretary of



the Interior [Secretary] shall . . . coordinate the land use inventory, planning and management activities . . . with the land use planning and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and,

WHEREAS, the coordination requirements of Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and,

WHEREAS, Section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsection (f) of Section 1712 sets forth an additional requirement that the Secretary "shall allow an opportunity for public involvement" (including local government without limiting the coordination requirement of Section 1712 allowing land or resource management or regulatory agencies to simply lump local government in with special interest groups of citizens or members of the public in general); and,

WHEREAS, Section 1712 also provides that the "Secretary shall . . . assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and,

WHEREAS, the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and,

WHEREAS, Section 1712 further requires that the "Secretary shall . . . provide for meaningful public involvement of state and local government officials . . . in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates "meaningful involvement" as referring to ongoing consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and,

WHEREAS, Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general

public or special interest groups of citizens; and,

WHEREAS, the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government such as Siskiyou County; and,

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs of the people as shown by their beliefs, social forms, and "material traits," it reasonably follows that NEPA requires federal agencies to consider the impact of their actions on the rural, land and resource-oriented citizens of Siskiyou County who depend on the "material traits" including recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits for their economic livelihoods; and,

WHEREAS, NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and,

WHEREAS, it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to, recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits); and,

WHEREAS, 42 USC § 4331 places upon federal agencies the "continuing responsibility . . . to use all practical means, consistent with other considerations of national policy to . . . preserve important historic, culture, and natural aspects of our national heritage"; and,

WHEREAS, Webster's New Collegiate Dictionary (at 227, 1975) defines "culture" as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations"; and,

WHEREAS, In 16 USC § 1604, the National Forest Management Act, requires the Forest Service to coordinate its planning processes with local government units such as Siskiyou County; and,

WHEREAS, federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 USC § 4601-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Siskiyou County; and,

WHEREAS, the coordinating provisions referred to in the resolution require the Secretary of the Interior to work directly with local government to resolve water resource issues and with regard to recreation uses of the federal lands, and,

WHEREAS, the regulations issued by the federal agencies in this resolution are consistent with statutory requirements of coordination and direct cooperation and provide implementation processes for such coordination and direction consideration and communication; and,

WHEREAS, the California Constitution has recognized Siskiyou County's authority to exercise its local, police and sanitary powers, and the California Legislature has recognized and mandated exercise of certain of those powers in specific statutes; and,

WHEREAS, the California Legislature has mandated in Government Code Section 65300 that each county shall prepare a comprehensive plan, and stated legislative intent in Section 65300.9 that the county planning shall be coordinated with federal and state program activities, and has mandated in Section 65103 that county local plans and programs must be coordinated with plans and programs of other agencies; and,

WHEREAS, the California Legislature has stated its intent in Section 65070 that preparation of state and regional transportation plans be performed in a cooperative process involving local government; and,

WHEREAS, the California Legislature has mandated in Section 65040 that the State Office of Planning and Research shall "coordinate, in conjunction with . . . local agencies with regard to matters relating to the environmental quality of the state"; and,

WHEREAS, in Water Code §§ 8125-8129, the California Legislature has placed planning for non-navigable streams within the authority of county supervisors, and since such planning activities must be coordinated with natural resource planning processes of federal and state agencies; and,

WHEREAS, in Streets and Highways Code §§ 940-941.2, the California Legislature has placed the general supervision, management, and control of county roads and highways - including closing such roads (Section 901) and removing and preventing encroachment of such roads and highways, and since planning and actions with regard to such roads by any federal or state agency must be coordinated with the county; and,

WHEREAS, in Public Resources Code § 5099.3, the California Legislature has mandated coordination by the state with Siskiyou County since it is a county "having interest in the planning, development, and maintenance of outdoor recreation resources

and facilities,"

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors does hereby assert legal standing and formally requests coordination status with all federal and state agencies maintaining jurisdiction over lands and/or resources located within Siskiyou County.

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be transmitted annually to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Siskiyou County and to all federal and state elected representatives serving Siskiyou County.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is authorized and hereby directed to publish a copy of this Resolution in the Siskiyou Daily News, a newspaper of general circulation printed and published in Siskiyou County, California.

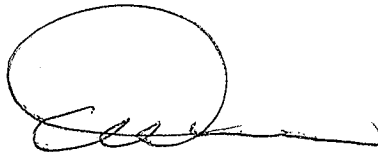
PASSED AND ADOPTED this 12th day of August, 2008, by the following vote:

AYES: Supervisors Overman, Erickson, Armstrong, Kobseff and Cook

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



Chair, Board of Supervisors
W.R. Overman

ATTEST:

COLLEEN SETZER, CLERK
Board of Supervisors

By 

Deputy

RESOLUTION NO. 13-87

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SISKIYOU
ESTABLISHING A POLICY OF NO NET INCREASE
IN STATE AND FEDERAL LAND OWNERSHIP
IN SISKIYOU COUNTY**

WHEREAS, removal of lands from private ownership removes such lands from the property tax base and further undermines the County's ability to provide vital public services; and

WHEREAS, ever increasing restrictions on other economic uses of public lands, including grazing and mining, continue to impede the economic vitality of much of rural America, and leaving land in private ownership is the best safeguard to ensure the continuation of the land's productive use; and

WHEREAS, when most of the National Forests were reserved against any other uses in the first decade of the Twentieth Century, there was a Compact with the Forest Counties that 25 percent of monies received from activities on the National Forests would be dedicated to support county roads and schools to compensate for the loss of future property tax revenue; and

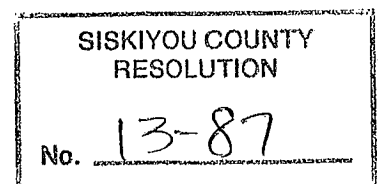
WHEREAS, the severe restrictions imposed on forest management by the listing of the northern spotted owl under the federal Endangered Species Act and the subsequent Northwest Forest Plan have resulted in a drastic decrease in forest receipts and the funding that used to be available to support county roads and schools; and

WHEREAS, the Secure Rural Schools and Community Self-Determination Act of 2000 was adopted by Congress to provide some level of relief for forest communities impacted by changes in forest management and timber harvests, but funding has continued to decrease each year and authorized funding has now completely expired; and

WHEREAS, there have long been promises from the federal government of Payment In Lieu of Taxes to compensate local governments for providing services that benefit public lands while receiving no property taxes to support those services; and

WHEREAS, those promises have never materialized in a substantial way; and

WHEREAS, the agency formerly known as the California Department of Fish and Game has failed perpetually to make promised payments of property taxes to county governments for lands it has converted to fish and game refuges, owing Siskiyou County Five Hundred Sixty Three Thousand Eight Hundred Seventy Eight Dollars (\$565,878) as of the 2012-2013 fiscal year; and



WHEREAS, the stewardship of natural resources has long been of great importance to the economy and well-being of Siskiyou County; and

WHEREAS, private-sector ownership of lands and natural resources affords flexibility and incentive for active and effective management that do not exist on publicly-owned lands, as demonstrated by comparison of the condition of privately-managed forests in Siskiyou County with the condition of National Forest System lands; and

WHEREAS, laws such as the National Environmental Policy Act, the Endangered Species Act, and the National Forest Management Act, which were adopted with good intentions, have become legal tools by which narrow, special interests seek to prevent active and self-supporting stewardship of National Forest System lands; and

WHEREAS, without offsetting mitigation, the conversion of privately-owned lands to publicly-owned lands will increase the total acreage where active management is held hostage to federal and state environmental laws and the paralyzing delays and expenses of continuous judicial review; and

WHEREAS, special interest agendas and misplaced agency priorities continue to cause the state and federal governments to purchase and remove lands from productive use and the property tax base; and

WHEREAS, in recent years there has been increased tendency by state and federal agencies to obtain privately-held water rights or to constrain the exercise of such rights; and

WHEREAS, the Siskiyou County Board of Supervisors has adopted Resolution 08-153 asserting legal standing and formally requesting coordination with all federal and state agencies maintaining jurisdiction over lands and/or resources located in Siskiyou County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Siskiyou hereby adopts as County policy that:

There shall be no acquisition of private property (including any estates in land, any water rights, and any other privately held interests) in Siskiyou County by state or federal agencies

or by agents acting on behalf of such agencies using public or private funds and/or providing a state or federal agency with a right of first refusal to purchase or any management authority or control

without the prior approval of the County of Siskiyou and

the concomitant sale or exchange of public land to a private purchaser of equal or greater market value and equal or greater acreage and

without impacting existing uses by third parties for grazing, mining, or other economic activity; and

each year the County Assessor shall prepare a report on the loss of property tax revenue to Siskiyou County as a result of changes in ownership of lands that renders such lands non-taxable; and

each year a copy of this resolution shall be distributed to state and federal agencies, accompanying the distribution of Resolution 08-153 addressing coordination with all state and federal agencies.

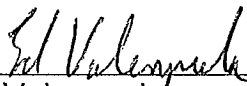
PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 11th day of June, 2013, by the following vote:

AYES: Supervisors Koseff, Armstrong, Bennett and Criss

NOES: Supervisor Valenzuela

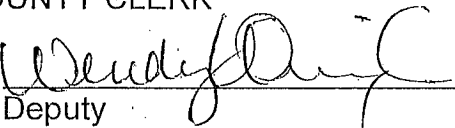
ABSENT: NONE

ABSTAIN: NONE

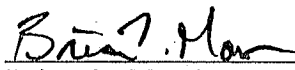


Ed Valenzuela
Chairman, Siskiyou County Board of Supervisors

ATTEST:
COLLEEN SETZER,
COUNTY CLERK

By 
Deputy

APPROVED AS TO FORM:



Brian L. Morris
County Counsel

HUNG - A - LEL - TI

WOODFORDS WASHO COMMUNITY COUNCIL

March 5, 2019

California Fish and Game Commission

Re: Lands Pass Program

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2019 MAR 19 PM 1:20

Dear California Fish and Game Commission:

My name is Irvin Jim, Jr. and I am the Chairman of the Woodfords Washoe Community Council and a Tribal Councilman for the Washoe Tribe of California and Nevada. I am writing this letter in opposition to the Land Pass Program and in support of Alpine County's petition to keep Hope Valley open to the public.

Historically and since time immemorial, Lake Tahoe and surrounding areas around the Lake, especially the Woodfords area, Hope Valley and the Carson Valley, are within the Washiw (Washoe) traditional homelands boundaries. The Washiw have used these areas to survive and flourish before the first settlers came to our homelands.

Since then, the Washoe Tribe of Nevada and California, Alpine County, and the Forest Service have been co-stewards, working together to make sure our local areas are managed, appreciated, and enjoyed by everyone. The Rural County Representatives of California (RCRC) is working with Alpine County and has the support of the Woodfords Washoe Community Council.

Please consider exempting Hope Valley from the Lands Pass Program. In our hope that future generations of Washiws and their visitors will be able to enjoy Hope Valley and the other parts of Washiw traditional homelands for years to come.

Thank you for your consideration and time.

Respectfully,



Irvin Jim

Chairman, Woodfords Washoe Community Council

Tribal Councilman, Washoe Tribe of Nevada and California

From: Jonathan Graham
Sent: Monday, March 25, 2019 2:52 AM
To: FGC
Subject: California Delta Hello I certainly hope someone reads this. Two major things that are damaging the California delta and the associated structures.

(1) The spraying of aquatic vegetation with a known carcinogen is mindboggling to everyone. People are being awarded lawsuits against Monsanto's roundup, and the state of California is spraying it and another copper-based chemical directly in the water. I would like to report the State of California for polluting drinking water for Solano, Contra Costa, and a few other counties. The weeds are making the Delta cleaner and healthier for everything that sustains life from its liquid environment.

(2) The Sea Lion population in the Central part of the Delta is going in every direction from there. They are destroying levees, islands and eating every fish around. I can provide pictures if you'd like. In 4 years they have decimated all species. Salmon. Bass. Carp, catfish, nothing is safe. Unfortunately, people are starting to take matters into their own hands. Yes, killing them. That is due to the frustration the entire community feels towards the lack of commitment by the state agencies... It really seems like CFG wants to steal the water to send it to southern California. Federally protected mammal that is destroying what our citizens save with a lifetime of catch and release. Maybe we should all take our limits of fish to starve the seals out. Something needs to be done.

Best Regards J. Graham

From: Jackson, Monica@Wildlife <Monica.Jackson@Wildlife.ca.gov>

Sent: Thursday, April 4, 2019 8:59 AM

To: Lehr, Stafford@Wildlife <Stafford.Lehr@wildlife.ca.gov>; Lewis, Kari@Wildlife <Kari.Lewis@wildlife.ca.gov>; Miller-Henson, Melissa@FGC <Melissa.Miller-Henson@fgc.ca.gov>

Subject: Letter from Siskiyou County Resident

Good Morning,

Please see attachment FYI, no response required.

Have a nice day!

Thank you,

Monica M. Jackson

California Department of Fish & Wildlife

Assistant to Gabe Tiffany, Deputy Director of Administration

Director's Office

916-653-7667

Monica.Jackson@WildLife.ca.gov

3-27-19

Dear Sir;

This letter is in response to an article you wrote in "The Weed Press" a few weeks back regarding the decline in license sales over the past few years. Having hunted here in Siskiyou County since I was 12 years old (I am now 68 and retired), I know a few things about the subject.

First of all, with all of the gun law pressures from "the big California city populations" who know nothing on the subject other than they just hate guns ... it seems that the California Game and Fish Department is basically doomed. Every year, as you pointed out, less and less of "us" are hunting, thus not buying licenses which fund this Department. But this is "their" plan all along ... put demands, pressures and restrictions on individuals like "us" to ENSURE WE quit. My wife and I hunt in order to put meat in our freezer, thus not depending on the cattle industry that city populations HAVE to rely on for their food ... thus self-reliance! As a result of this loss revenue, you will have to continue raising your license fees until hunters are basically shut-out because it's unaffordable at that point. I have many friends in Siskiyou County who have already told me as such! Not to mention we have to now use steel shot. What is the difference between using steel shot on Grouse and Quail .. but not on Doves I ask? The predatory mammals and birds eat all of this game equally! Just a stupid bill to get us to quit hunting, we have to carry a variety of loads for just these three games birds.

"Sacramento law makers" need to allow each COUNTY to run it's own independant California Game and Fish department as it sees fit according to wildlife populations, number of hunters and persons such as me who have a vested interest in filling our freezers! It would not be an understatement to say that my wife and I are "100% totally pissed" that our hunting rights here in Siskiyou County are being taken away by idiots with an agenda to TAKE OUR GUNS!!

Sincerely from the heart

Thomas Mallory



Stafford, Kari Lewis, Melissa Miller-Henson