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Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

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REVISED* MEETING AGENDA **October 14, 2020, 9:00 AM**

Webinar and Teleconference

The California Fish and Game Commission is conducting this meeting by webinar and teleconference to avoid a public gathering and protect public health during the COVID-19 pandemic, consistent with Executive Order N-33-20.

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

***This agenda is revised to add potential action under item 3 related to an administrative help bed and to add potential action for two appeals under executive session.**

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting. To provide public comment during the meeting, please join via Zoom Webinar or by telephone. Please [click here](#) for instructions on how to join the meeting.

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 8. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

Call to order/roll call to establish quorum

1. Consider approving agenda and order of items

2. General public comment for items not on agenda

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

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

3. Executive director's report

Receive updates from the executive director and possible action.

- (A) Consider request to allow research under a Department-issued scientific collecting permit in Administrative Kelp Bed 3 in San Diego County, leased by KNOCEAN Sciences

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or interested person.

4. Recreational and commercial groundfish

Consider adopting proposed changes to regulations for the recreational and commercial take of federal groundfish and associated species.

(Amend sections 27.30, 27.35, 27.45, 28.27, 28.28, 28.54, 28.55, 28.65, and 150.16, Title 14, CCR)

5. Recreational purple sea urchin emergency (second 90-day extension)

Consider adopting a second 90-day extension of the emergency regulations concerning recreational take of purple sea urchin at Caspar Cove, Mendocino County.

(Amend Section 29.06, Title 14, CCR)

Staff is expected to recommend this item be removed from the agenda.

6. Wild Trout Waters

Receive Department recommendation and consider adopting proposed amendments to the Commission's Designated Wild Trout Waters policy.

(Pursuant to Section 1727, Fish and Game Code)

7. Department informational items

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

- (A) Director's report
- (B) Law Enforcement Division
- (C) Marine Region
- (D) Wildlife and Fisheries Division, and Ecosystem Conservation Division

8. Tribal Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for next committee meeting.

- (A) Committee work plan
- (B) Next committee meeting

9. Marine Resources Committee

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for next committee meeting.

- (A) Committee work plan
- (B) Next committee meeting

10. Recreational red abalone

Discuss proposed changes to the recreational red abalone fishery closure sunset date regulation.

(Amend 29.15 Title 14, CCR)

11. Recreational crab

Discuss proposed changes to recreational crab regulations intended to provide additional whale and turtle protections in the trap fisheries.

(Amend sections 29.80, 29.85, and 701, Title 14, CCR)

12. Recreational sea urchin

Discuss proposed changes to regulations concerning recreational take of sea urchin at Caspar Cove, Mendocino County, and Tanker Reef, Monterey County.

(Amend sections 29.05 and 29.06, Title 14, CCR)

13. 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 #2020-007 AM1: Amend marine protected area regulations to allow surfboard fishing at the South La Jolla State Marine Reserve
 - II. Petition #2020-008: Suspend or reduce elk hunting in the Northwestern Elk Hunt Area due to disease
 - III. Petition #2020-010: Change the limit of wild rainbow and brown trout on the North Fork of the Stanislaus River and Beaver Creek to zero
- (B) Action on pending regulation petitions referred to staff or the Department for review – *None scheduled at this time*

14. 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

15. Wildlife Resources Committee

Receive summary and consider approving recommendations from September 17, 2020 committee meeting. Discuss referred topics and consider revisions to topics and timing.

- (A) Previous committee meeting report
- (B) Committee work plan

16. Simplification of statewide inland sport fishing

Consider adopting proposed changes to inland sport fishing regulations.

(Add sections 5.84, 5.89, 7.40, and amend sections 3.00, 4.00, 5.00, 5.41, 5.85, 7.00, 7.50, and 8.10, Title 14, CCR)

17. Kenwood marsh checkerbloom

Receive overview of the Department's five-year status review of Kenwood marsh checkerbloom (*Sidalcea oregana* ssp. *valida*), which is listed as an endangered species under the California Endangered Species Act (CESA).

(Pursuant to Section 2077, Fish and Game Code)

18. Mohave desert tortoise

Consider and potentially act on the petition, Department's evaluation report, and comments received to determine whether changing the status of the Mohave desert tortoise (also known as Agassiz's desert tortoise; *Gopherus agassizii*) from threatened to endangered status under CESA may be warranted.

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

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

19. Commission administrative items

Consider approving agenda topics for the next Commission meeting, changes to the rulemaking timetable, and whether there is any new business to be added to a future meeting agenda.

- (A) Next meeting – December 9-10, 2020, webinar/teleconference
- (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. Aaron Lance Newman v. California Fish and Game Commission (revocation of hunting and sport fishing privileges)
 - III. 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 appeal filed by Robert Silva in Agency Case No. 20ALJ06-FGC regarding his request to renew his lobster operator permit
 - II. Consider the appeal filed by Nicholas Perrone in Agency Case No. 20ALJ08-FGC regarding his request to renew his salmon vessel permit

California Fish and Game Commission 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 |
|----------------------|------------------------|---|
| November 9 | | Tribal Webinar/teleconference |
| November 10 | | Marine Resources Webinar/teleconference |
| December 9 - 10 | Webinar/teleconference | |
| January 12, 2021 | | Wildlife Resources Webinar/teleconference |
| February 10-11, 2021 | Webinar/teleconference | |
| March 16, 2021 | | Marine Resources Webinar/teleconference |
| April 13, 2021 | | Tribal Webinar/teleconference |
| April 14-15, 2021 | Webinar/teleconference | |
| May 11, 2021 | | Wildlife Resources Webinar/teleconference |
| May 11, 2021 | Webinar/teleconference | |
| June 16-17, 2021 | Webinar/teleconference | |
| July 20, 2021 | | Marine Resources Sacramento |
| August 17, 2021 | | Tribal Sacramento |
| August 18-19, 2021 | Sacramento | |
| September 16, 2021 | | Wildlife Resources Sacramento |
| October 13-14, 2021 | Sacramento | |
| November 9, 2021 | | Marine Resources Sacramento |
| December 14, 2021 | | Tribal Sacramento |
| December 15-16, 2021 | Sacramento | |

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 12-15, 2021, Providence, RI

Pacific Fishery Management Council

- November 13-20, Garden Grove, CA
- March 3-10, 2021, Seattle, WA
- April 6-13, 2021, San Jose, CA
- June 22-29, 2021, Vancouver, WA
- September 8-15, 2021, Spokane, WA
- November 15-22, 2021, Costa Mesa, CA

Pacific Flyway Council

- March 9, 2021, Grand Rapids, MI
- August or September 2021, TBD

Western Association of Fish and Wildlife Agencies

- January 7-10, 2021, Santa Ana Pueblo, NM
- July 18-23, 2021 Santa Fe, NM

Wildlife Conservation Board

- November 18, Sacramento, CA
- 2021 TBD

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the beginning of the 151st 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 Department's Equal Employment Opportunity (EEO) Office at (916) 653-9089 or EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language (ASL) Interpreters should be submitted at least two weeks prior to the event. Requests for Real-Time Captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

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 Comments on Agenda Items

The public is encouraged to comment on any agenda item. Verbal comments are only accepted during meetings. Written comments may be submitted 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; or deliver (with an appointment during the COVID-19 pandemic) to California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, CA 95814. Materials provided to the Commission may be made available to the general public.

Written Comment Deadlines

The **Written Comment Deadline** for this meeting is **5:00 p.m. on October 1, 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 October 9, 2020**.

Comments received by this deadline will be made available to Commissioners at the meeting.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission for Regulation Change" (as required by Section 662, Title 14, CCR). The form is available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Supplemental Comment Deadline**. Petitions received at this meeting will be scheduled for consideration at

the next regularly-scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

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 regularly-scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. Speakers will be called one at a time; please pay attention to when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. 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.
 - b. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
 - c. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

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.