

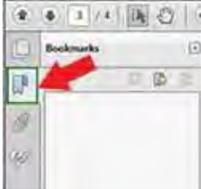
**California  
Fish and Game Commission  
Meeting Binder**



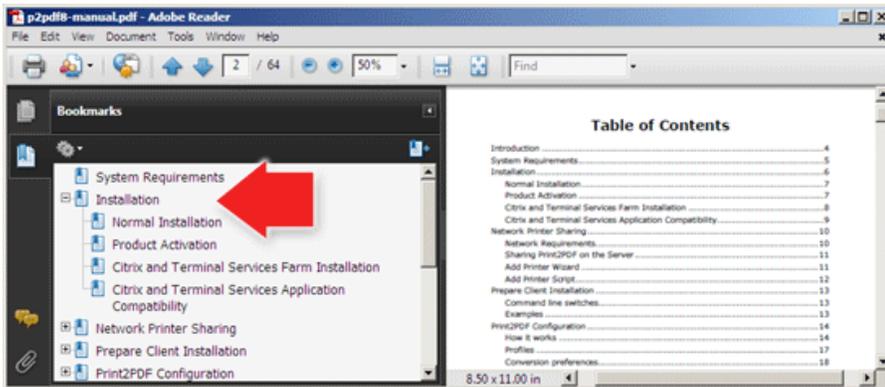
**March 15, 2017  
Teleconference**

## **EASY GUIDE TO THE BINDER**

1. Download and open the binder document using your Adobe Acrobat program/application.
2. Immediately click/tap on the “bookmark symbol” located near the top left-hand corner.



3. A bookmark panel should appear on either the top or the left-hand side of the screen. To make adjustments, simply use the Page Display option in the View tab. If done correctly, you should see something like:



4. We suggest leaving open the bookmark panel to help you move efficiently among the staff summaries and supporting documents included in the binder. It's helpful to think of these bookmarks as a table of contents which allows you to go to specific points in the binder without having to scroll through hundreds of pages.
5. Resize the bars by placing the icon in the dark, vertical line located between the text boxes and using a long click/tap to move ←|→ in either direction. You may also adjust the sizing of the documents by adjusting the sizing preferences located on the Page Display icons found in the top toolbar or in the View tab.
6. Upon locating a staff summary for an agenda item that interests you, notice that you can get more information by double-clicking/tapping on any item underlined in blue.
7. Return to the staff summary by simply re-clicking/tapping on the item in the bookmark panel.

# OVERVIEW OF FISH AND GAME COMMISSION TELECONFERENCE MEETING

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- This is the 146<sup>th</sup> year of continuous operation of the California Fish and Game Commission (Commission) in partnership with the California Department of Fish and Wildlife (Department). Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making. These 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.
- We are operating under Bagley-Keene Open Meeting Act and these proceedings are being recorded and broadcast via Cal-Span.
- In the unlikely event of an emergency, please note the location of the nearest emergency exits at your location. Additionally, for those in the Commission conference room, the restrooms are located outside the front door and down the hall to your left (women's immediately after the elevators and men's further down the hall).
- Items may be heard in any order pursuant to the determination of the presiding commissioner.
- The amount of time for each agenda item may be adjusted based on time available and the number of speakers.
- Speaker cards need to be filled out **legibly** and turned in to the staff **before** we start the agenda item. Please make sure to list the agenda items you wish to speak to on the speaker card.
- We will ask how many speakers we have at each location before taking public comment; please be prepared when your name is called. If you are not in the room when your name is called you may forfeit your opportunity to speak on the item.
- When you speak, please state your name and any affiliation. Please be respectful. Disruptions from the audience will not be tolerated. Time is precious so please be concise.
- To receive meeting agendas and regulatory notices about those subjects of interest to you, please visit the Commission's website, [www.fgc.ca.gov](http://www.fgc.ca.gov), and sign up for our electronic mailing lists.
- All petitions for regulation change must be submitted in writing on the authorized petition form, FGC 1 Petition to the California Fish and Game Commission for Regulation Change, available on the Commission's website.
- **Reminder!** Please silence your mobile devices and computers to avoid interruptions.

# INTRODUCTIONS FOR FISH AND GAME COMMISSION COMMISSION MEETINGS

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## **FISH AND GAME COMMISSIONERS**

Eric Sklar	President (Saint Helena)
Jacque Hostler-Carmesin	Vice-President (McKinleyville)
Anthony Williams	Member (Huntington Beach)
Russell Burns	Member (Napa)
Peter Silva	Member (Chula Vista)

## **COMMISSION STAFF**

Valerie Termini	Executive Director
Melissa Miller-Henson	Deputy Executive Director
Mike Yaun	Legal Counsel
Erin Chappell	Wildlife Advisor
Elizabeth Pope	Acting Senior Environmental Scientist
Mary Brittain	Administrative Assistant
Sherrie Fonbuena	Analyst

## **DEPARTMENT OF FISH AND WILDLIFE - Directorate**

Chuck Bonham	Director
Wendy Bogdan	General Counsel
Jordan Traverso	Deputy Director for Communications
David Bess	Deputy Director and Chief, Law Enforcement Division
Stafford Lehr	Deputy Director, Wildlife and Fisheries Division
Kevin Shaffer	Fisheries Branch Chief
T.O. Smith	Wildlife Branch Chief
Craig Shuman	Marine Region Manager

I would also like to acknowledge special guests who are present:

*(i.e., elected officials, tribal chairpersons, other special guests)*

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**Valerie Termini, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
www.fgc.ca.gov

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Commissioners**  
**Eric Sklar**, President  
Saint Helena  
**Jacque Hostler-Carmesin**, Vice President  
McKinleyville  
**Anthony C. Williams**, Member  
Huntington Beach  
**Russell E. Burns**, Member  
Napa  
**Peter S. Silva**, Member  
El Cajon

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

### **MEETING AGENDA** **March 15, 2017, 9:00 a.m.**

**Resources Building**  
**Jim Kellogg Conference Room**  
**1416 Ninth Street, Room 1320, Sacramento**

**NOTICE:** Members of the public may participate in the teleconference at the address above and at the following offices:

- California Department of Fish and Wildlife (CDFW), Conference Room, 50 Ericson Court, Arcata, CA 95521
- WestEd Building, Sunset Room, 4665 Lampson Avenue, Los Alamitos, CA 90720

The meeting will be live streamed at [www.cal-span.org](http://www.cal-span.org), for listening purposes only.

**NOTE: See important meeting deadlines and procedures at the end of the agenda.**

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Public forum for items not on agenda  
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, 11125.7(a), Government Code)
3. Discuss and adopt proposed changes to season dates, size limits and daily bag limits for April 2017 recreational ocean salmon fishing  
(Subsection 27.80(c), Title 14, CCR)
4. Discuss proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals  
(Section 265, Title 14, CCR)

Adjournment

**CALIFORNIA FISH AND GAME COMMISSION  
2017 MEETING SCHEDULE**

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

<b>MEETING DATE</b>	<b>COMMISSION MEETING</b>	<b>COMMITTEE MEETING</b>	<b>OTHER MEETINGS</b>
March 23		<b>Marine Resources</b> Holiday Inn Express 35 Via Pico Plaza San Clemente, CA 92672	
April 13	Teleconference — Arcata, Napa, Sacramento, Los Alamitos and San Diego		
April 26-27	Airtel Plaza Hotel 7277 Valjean Avenue Van Nuys, CA 91406		
May 24		<b>Wildlife Resources</b> Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
June 20		<b>Tribal</b> Crescent City	
June 21-22	Crescent City		
July 20		<b>Marine Resources</b> Santa Rosa	
August 16-17	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814		
September 13		<b>Wildlife Resources</b> California Tower 3737 Main Street Highgrove Room 200 Riverside, CA 92501	
October 10		<b>Tribal</b> SpringHill Suites by Marriott 900 El Camino Real Atascadero, CA 93422	
October 11-12	SpringHill Suites by Marriott 900 El Camino Real Atascadero, CA 93422		
November 9		<b>Marine Resources</b> Marina	
December 6-7	Handlery Hotel 950 Hotel Circle North San Diego, CA 92108		

## **OTHER MEETINGS OF INTEREST**

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

- September 11-14, Philadelphia, PA

### **Pacific Fishery Management Council**

- April 6-12, Sacramento, CA
- June 7-14, Spokane, WA
- September 11-18, Boise, ID
- November 13-20, Costa Mesa, CA

### **Pacific Flyway Council**

- September, TBD

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

- July 6-11, Vail, CO

### **Wildlife Conservation Board**

- May 25, Sacramento
- August 24, Sacramento
- November 30, Sacramento

## **IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION**

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

This is the 147<sup>th</sup> year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal. In that spirit, we provide the following information to be as effective and efficient toward that end. Welcome and please let us know if you have any questions.

### **PERSONS WITH DISABILITIES**

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

### **STAY INFORMED**

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

### **SUBMITTING WRITTEN COMMENTS**

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: **E-mail** to [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov); **delivery** to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**.

### **COMMENT DEADLINES**

The **Written Comment Deadline** for this meeting is **5:00 p.m. on March 2, 2017**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Late Comment Deadline** for this meeting is **12:00 p.m. on March 10, 2017**. Comments received by this deadline will be marked "late" and made available to Commissioners at the meeting.

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

All materials provided to the Commission may be made available to the general public.

### **NON-REGULATORY REQUESTS**

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

### **PETITIONS FOR REGULATION CHANGE**

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, titled, "Petition to the California Fish and Game Commission

for Regulation Change” (as required by Section 662, Title 14, CCR). The form is available at <http://www.fgc.ca.gov/public/information/petitionforregulatorychange.aspx>. To be received by the Commission at this meeting, petition forms must have been delivered by the **Late Comment Deadline** (or delivered during public forum at the meeting) and will be scheduled for consideration at the next business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

## **VISUAL PRESENTATIONS/MATERIALS**

Visual presentations will not be allowed at this meeting.

## **SPEAKING AT THE MEETING**

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

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
  - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
  - b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Late Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
  - c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
  - d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.
5. If you are presenting handouts/written material to the Commission at the meeting, please provide ten (10) copies to the designated staff member just prior to speaking.

## STAFF SUMMARY FOR MARCH 15, 2017

**2. PUBLIC FORUM****Today's Item****Information** **Action** 

Receipt of verbal public comments for items not on the agenda.

**Summary of Previous/Future Actions (N/A)****Background**

Comments submitted in writing are traditionally held for receipt at regularly scheduled, in-person FGC meetings. Therefore, written comments submitted following the February 8-9, 2017 FGC meeting will be received at the April 26-27, 2017 meeting in Van Nuys.

Today's agenda item is to receive verbal public comments for items not on the agenda. Under the Bagley-Keene Open Meeting Act, FGC cannot act on any matter not included on the agenda except to schedule issues raised by the public for consideration at future meetings.

**Significant Public Comments (N/A)****Recommendation**

Consider whether any future agenda items are needed to address issues raised and within FGC's authority.

**Exhibits (N/A)****Motion/Direction**

Provide staff direction on scheduling any issues raised in public comment.

## STAFF SUMMARY FOR MARCH 15, 2017

**3. APRIL 2017 OCEAN SALMON****Today's Item**Information Action 

Adopt proposed changes to ocean salmon sport fishing regulations for April 2017. DFW will provide final recommendations at the teleconference meeting.

**Summary of Previous/Future Actions**

- Notice hearing Dec 7-8, 2016; San Diego
- Discussion hearing Feb 8-9, 2017; Rohnert Park
- **Today's adoption hearing Mar 15, 2017; Teleconference**

**Background**

FGC annually adopts ocean salmon recreational fishing regulations in State waters to conform to federal rules. The Pacific Fishery Management Council (PFMC) coordinates West Coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone, 3 to 200 miles offshore Washington, Oregon and California. PFMC ocean salmon recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS), effective May 1 of each year.

On May 1, 2016, NMFS implemented the 2016 federal ocean salmon regulations which included the PFMC's recommendation to open the California ocean salmon recreational fishery season south of Horse Mountain on Apr 1, 2017. While federal waters south of Horse Mountain will open Apr 1, 2017, State waters in this area will not open unless FGC takes regulatory action to do so.

The proposed regulations include a broad range of options to encompass the range of federal ocean salmon regulations that are expected to be in effect Apr 1 through Apr 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal waters, including any in-season changes resulting from the Mar 7-13, 2017, PFMC meeting. (FGC will adopt ocean salmon recreational fishing regulations for the remainder of 2017 at its Apr 13 teleconference.)

**Significant Public Comments**

1. One request for a later season south of Point Sur (Exhibit 4).

**Recommendation**

**FGC staff:** Adopt the proposed regulations as recommended by DFW during the teleconference meeting.

**Exhibits**

1. DFW memo, received Nov 2, 2016
2. Initial statement of reasons
3. Draft notice of exemption
4. Email from Don Thompson, received Feb 14, 2017

## STAFF SUMMARY FOR MARCH 15, 2017

**Motion/Direction**

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission has determined, based on the record, this project is exempt from the California Environmental Quality Act pursuant to the guidelines in Public Resources Code sections 15307 and 15308, and adopts the proposed changes to subsection 27.80(c), related to ocean salmon recreational fishing regulations, as recommended today by the Department.

## STAFF SUMMARY FOR MARCH 15, 2017

**4. USE OF DOGS FOR PURSUIT AND TAKE OF MAMMALS****Today's Item**Information Action 

Discuss proposed changes to regulations concerning the use of dogs for the pursuit and take of mammals.

**Summary of Previous/Future Actions**

- |   |                                       |
|---|---------------------------------------|
| • Notice hearing                          | Oct 19-20, 2016; Eureka               |
| • Discussion hearing                      | Dec 7-8, 2016; San Diego              |
| • Originally scheduled adoption hearing   | Feb 8-9, 2017; Rohnert Park           |
| • <b>Today's further discussion</b>       | <b>March 15, 2017; Teleconference</b> |
| • Potential additional discussion hearing | April 13, 2017; Teleconference        |
| • Adoption hearing                        | April 26-27, 2017; Van Nuys           |

**Background**

In Apr 2016, FGC adopted changes to Section 265, Title 14, California Code of Regulations, deleting language restricting the use of global positioning system (GPS) collars and treeing switches for dogs aiding a hunter; this amendment effectively authorized the use of those devices as an aid in hunting. Subsequently a lawsuit was filed challenging the adoption alleging California Environmental Quality Act (CEQA) process deficiencies; FGC has determined that further rulemaking may be necessary to resolve that lawsuit.

The current rulemaking (Exhibit 1) and related CEQA analysis will help to further inform FGC about the issues related to regulating the use of dogs as an aid to hunting and associated equipment for those dogs. The proposed regulation inserts a provision prohibiting the use of treeing switches on dog collars when dogs are used as an aid in hunting and inserts a provision prohibiting the use of GPS-equipped dog collars when dogs are used as an aid in hunting; both provisions existed in the regulation prior to the Apr 2016 changes.

In Dec 2016, FGC discussion included a vote that directed staff to prepare a notice for further rulemaking to be considered by FGC immediately after and at the same meeting as any adoption of the currently proposed regulation, to consider authorizing GPS collars and treeing switches. In Feb 2017, FGC voted to continue the current rulemaking to include an additional discussion hearing during the Mar 15 teleconference meeting and re-schedule the final adoption until Apr 2017.

FGC requested that DFW staff develop an analysis of the impacts of both allowing GPS collars and treeing switches and prohibiting the use of that gear; DFW was not able to complete that analysis in time for this meeting.

**Significant Public Comments**

- Opposition to prohibiting GPS collars (Exhibit 3).
- Support for the proposed regulation due to concerns over impacts to wildlife from dogs (exhibits 4-6).

## STAFF SUMMARY FOR MARCH 15, 2017

**Recommendation**

**FGC staff:** Add the proposed regulation to the April 13 teleconference meeting agenda to provide an additional opportunity for DFW to provide FGC a general analysis prior to the adoption hearing.

**Exhibits**

1. ISOR, notice, and continuation notices: [http://www.fgc.ca.gov/regulations/2016/index.aspx#265\\_2](http://www.fgc.ca.gov/regulations/2016/index.aspx#265_2)
2. Two Letters from Greg Fontana, received Feb 22, 2017
3. Letter from Protecting Earth & Animals with Compassion & Education, received Mar 1, 2017
4. Letter from Public Interest Coalition and Sierra Club Placer Group, received Mar 2, 2017
5. Letter from Advocates for Wildlife, received Mar 2, 2017

**Motion/Direction**

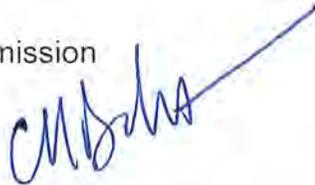
Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Commission schedules further discussion on the proposed regulation related to the use of dogs for the pursuit and take of mammals at the April 13, 2017 teleconference meeting.

## Memorandum

Date: ~~October 5,~~ <sup>Nov. 1,</sup> 2016

To: Valerie Termini  
Executive Director  
Fish and Game Commission

From: Charlton H. Bonham  
Director



Subject: **Agenda Items for the December 7-8, 2016 Fish and Game Commission Meeting**  
**Re: Request for Notice Authorization to Amend Ocean Salmon Fishing**  
**Regulations for 2017**

Attached for the December 7-8, 2016 meeting of the Fish and Game Commission (Commission) are two rulemaking proposals for the 2017 Ocean Salmon fishing season. The first package proposes to amend subsection 27.80 (c) to establish open fishing days, bag limits, and minimum size restrictions for April 2017. The second package proposes to amend subsection 27.80 (d) to establish open fishing days, bag limits, and minimum size restrictions for the salmon season in effect on or after May 1, 2017.

Existing Title 14 regulations specify ocean salmon recreational fishing regulations that were valid only for the 2016 season. The proposed amendments to Section 27.80 (c) contained in the first ISOR would allow the Commission to adopt regulations at its March 2017 Teleconference meeting that would establish any ocean salmon recreational fishing regulations for the month of April 2017, in conformance with federal rules.

The proposed amendments to Section 27.80 (d) contained in the second ISOR would allow the Commission to adopt regulations at its April 2017 Teleconference meeting that would establish any ocean salmon recreational fishing regulations on or after May 1, 2017, in conformance with federal rules that will be recommended by the Pacific Fishery Management Council on April 12, 2017. The range of alternatives contained in the second ISOR are the same as those contained in the first ISOR (open fishing days/times, areas, size limits), but the resulting regulations apply only for May 1, 2017 through the end of the year.

The Department of Fish and Wildlife (Department) requests the Commission authorize publication of notice of its intent to amend the above referenced subsections of Section 27.80, Title 14, CCR, to establish ocean salmon recreational fishing regulations for the 2017-fishing season. While the proposed rulemakings are related, they should be noticed separately to conform to timelines driven by the federal regulatory process.

A Notice of Exemption (NOE) is also attached. Since the NOE is not anticipated to change, this early submission gives the Commission notice of the Department's recommendation to rely on a California Environmental Quality Act (CEQA) categorical exemption for ocean salmon. The following paragraphs describe staff's analysis of use of a categorical exemption under the CEQA.

### **Categorical Exemptions to Protect Natural Resources and the Environment**

The Commission's adoption of these regulations is an action subject to CEQA. The review effort by Department staff pursuant to CEQA Guidelines section 15061 lead staff to conclude that adoption of the regulations would properly fall within the Class 7 and Class 8 categorical exemptions (CEQA Guidelines sections 15307, 15308). These two exemptions are related to agency actions to protect natural resources and the environment. The proposed regulations will define annual fishing seasons, daily bag and sizes limits, and specify methods of take for alignment with enacted federal regulations. State conformance with federal regulations is also necessary to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). The regulations are intended to protect the sustainability of the fishery as a natural resource. In staff's view, the Commission's adoption of regulations is an activity that is the proper subject of CEQA's Class 7 and 8 categorical exemptions.

### **No Exceptions to Categorical Exemptions Apply**

As to the exceptions to categorical exemptions set forth in CEQA Guidelines section 15300.2, including the prospect of unusual circumstances and related effects, the Department's review was guided by the California Supreme Court's recent decision in *Berkeley Hillside Preservation v. City of Berkeley*. Staff has reviewed all of the available information possessed by the Department relevant to the issue and does not believe adoption of the regulations creates any unusual circumstances that would constitute an exception to the categorical exemptions set forth above. Compared to the activities that fall within Class 7 and Class 8 generally, which include the given example of wildlife preservation activities such as the current effort; there is nothing unusual about the proposed regulations.

In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or a cumulative basis are expected. The intent of the proposed regulations is conformance of State regulations with federal regulations to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). The regulations are anticipated to achieve optimum yield in the fishery, but also to prevent overfishing and thereby take into consideration the potential for negative impacts on the fishery.

Valerie Termini, Executive Director  
Fish and Game Commission  
October 5, 2016  
Page 3

Therefore, staff does not believe that the Commission's reliance on the Class 7 and Class 8 categorical exemptions is precluded by the exceptions set forth in CEQA Guidelines section 15300.2.

If you have any questions or need additional information, please contact Dr. Craig Shuman, Regional Manager, Marine Region, at (805) 568-1246. The public notice for this rulemaking should identify Environmental Scientist, Barry Miller as the Department's point of contact. Mr. Miller can be reached at (707) 576-2860 or [Barry.Miller@wildlife.ca.gov](mailto:Barry.Miller@wildlife.ca.gov).

Attachment

cc: Stafford Lehr, Deputy Director  
Wildlife and Fisheries Division  
[Stafford.Lehr@wildlife.ca.gov](mailto:Stafford.Lehr@wildlife.ca.gov)

Craig Shuman, D.Env.  
Regional Manager, Marine Region  
[Craig.Shuman@wildlife.ca.gov](mailto:Craig.Shuman@wildlife.ca.gov)

Kevin Shaffer, Acting Chief  
Fisheries Branch  
Wildlife and Fisheries Division  
[Kevin.Shaffer@wildlife.ca.gov](mailto:Kevin.Shaffer@wildlife.ca.gov)

Marci Yaremko,  
Environmental Program Manager  
Marine Region  
[Marci.Yaremko@wildlife.ca.gov](mailto:Marci.Yaremko@wildlife.ca.gov)

Melodie Palmer-Zwahlen  
Senior Environmental Scientist  
Marine Region  
[Melodie.Palmer@wildlife.ca.gov](mailto:Melodie.Palmer@wildlife.ca.gov)

Barry Miller, Environmental Scientist  
Marine Region  
[Barry.Miller@wildlife.ca.gov](mailto:Barry.Miller@wildlife.ca.gov)

Valerie Termini, Executive Director  
Fish and Game Commission  
October 5, 2016  
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Scott Barrow, Regulations Unit  
Senior Environmental Scientist  
Wildlife and Fisheries Division  
[Scott.Barrow@wildlife.ca.gov](mailto:Scott.Barrow@wildlife.ca.gov)

Caren Woodson  
Associate Governmental Program Analyst  
Fish and Game Commission  
[Caren.Woodson@fgc.ca.gov](mailto:Caren.Woodson@fgc.ca.gov)

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Subsection (c) of Section 27.80  
Title 14, California Code of Regulations  
Re: Ocean Salmon Recreational Fishing – April 2017 Season

- I. Date of Initial Statement of Reasons: September 21, 2016
- II. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 7, 2016  
Location: San Diego, CA
  - (b) Discussion Hearing: Date: February 9, 2017  
Location: Rhonert Park, CA
  - (c) Adoption Hearing: Date: March 15, 2017  
Location: Teleconference
- III. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

It is critical to have consistent State and federal regulations establishing season dates, bag/size limits and other management measures, and also critical that the State and federal regulations be effective concurrently in order to maintain continuity of management and enforcement. Conformance with federal regulations is also necessary to maintain continued State authority over its recreational salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act [16 USC §1856 (b)(1)].

On May 1, 2016, NMFS implemented the 2016 federal ocean salmon regulations, which included the PFMC's recommendation to open the California ocean salmon recreational fishing season south of Horse Mountain on April 1, 2017. While federal waters south of Horse Mountain will open on April 1, 2017, State waters in this area will not open unless the Commission takes regulatory action to do so.

The 2017 season opening dates were not adopted into the State's ocean salmon regulations in 2016 as a matter of precaution, in order to account for the possibility that these dates, along with minimum size limits, bag limits, and open fishing days, or other management measures, may be modified by NMFS and PFMC based on the most up-to-date salmon abundance information. Fishery monitoring and escapement information needed for target stocks and salmon species of special concern, including Sacramento River Winter-run Chinook which is listed as endangered under both federal and State Endangered Species Acts, is not available until the winter or early spring of 2017.

### **Concurrent Regulatory Action**

The Commission will consider the most up-to-date information before determining if ocean salmon fishing should be authorized for April 2017. The proposed regulations would allow the Commission to adopt the April 1 opening date, or a later date in April, along with other fishery management measures for State waters that would be effective through April 30, 2017.

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2017 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2017 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2017.

### **Present Regulations**

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total

length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amending these regulations is essential to allow for any fishing in State waters during 2017.

### **Proposed Regulations**

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 1 through April 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2017 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) Between Horse Mountain and Point Arena: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.
- (3) Between Point Arena and Pigeon Point: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.
- (4) Between Pigeon Point and Point Sur: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.
- (5) South of Point Sur: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with

daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to this area for April 2017.

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the policy of the State to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the ocean and other waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to maintain their continued existence.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code.

Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Pacific Fishery Management Council. April 2016. Preseason Report III: Council Adopted Management Measures and Environmental Assessment Part 3 for 2016 Ocean Salmon Fishery Regulations.

(<http://www.pcouncil.org/salmon/stock-assessment-and-fishery-evaluation-safe-documents/preseason-reports/2016-preseason-report-iii/>)

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative:

The no change alternative would maintain existing regulations which do not provide an ocean salmon recreational fishing season for 2017. Federal regulations are anticipated to open the ocean salmon recreational fishing regulations south of Horse Mountain on April 1, 2017. The State must conform its ocean recreational fishing regulations for salmon in State waters (zero to three miles offshore) to the federal regulations for consistency and to avoid public confusion. Preemption of State regulatory authority by the NMFS could occur if State regulations are in conflict with federal regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The Department anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California because no changes in fishing activity levels are expected .

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

## VII. Economic Impact Assessment:

The proposed regulatory action would amend salmon fishing regulations for the month of April 2017 to be consistent with federal regulations for the federal fishery management zone off California. The proposed action is anticipated to preserve status quo fishing opportunities as compared to the April 2016 ocean salmon sport fishing season.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Commission does not anticipate any impacts on the creation or elimination of jobs due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Commission does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Commission does not anticipate any impacts on the expansion of businesses in California due to the proposed regulation. The Commission anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates health and welfare benefits to California residents from recreation in, and enjoyment of, a sustainable and satisfying salmon fishery.

- (e) Benefits of the Regulation to Worker Safety:

The proposed regulations conform to federal fisheries management allowable harvest levels, and ensure a sustainable fishery. As such, the agency is not aware of any consequences to worker safety that could arise from the proposed regulations.

(f) Benefits of the Regulation to the State's Environment:

The Commission anticipates benefits to the environment. Adoption of scientifically-based ocean salmon seasons, size limits, and bag and possession limits ensures sufficient residual populations of salmon and their continued existence.

(g) Other Benefits of the Regulation:

The proposed regulations will provide for resource sustainability thus ensuring the continuation and future enjoyment of the salmon fishery. Maintaining healthy populations of salmon will also translate into sustained economic contributions to the State.

## **Informative Digest (Policy Statement Overview)**

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

### **Present Regulations**

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

### **Proposed Regulations**

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2017 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2017 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2017.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 1 through April 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2017 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to each area for April 2017 and may be different for each area.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

## Regulatory Language

Subsection (c) of Section 27.80, Title 14, CCR, is amended to read:

### § 27.80. Salmon

(c) Open Fishing Days, Daily Bag Limits, and Minimum Size in effect ~~April 2~~April 1 through April 30, ~~2016~~2017.

(1) North of Horse Mountain (40°05'00" N. lat.) and in Humboldt Bay.

(A) Closed to salmon fishing.

(2) Between Horse Mountain and Point Arena (38°57'30" N. lat.).

(A) Open to salmon fishing ~~from April 2 to April 30~~[varied dates within the range from April 1 to April 30, may include periodic closures], ~~2016~~2017. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~20~~[20-26] inches total length.

(3) Between Point Arena and Pigeon Point (37°11'00" N. lat.).

(A) Open to salmon fishing ~~from April 2 to April 30~~[varied dates within the range from April 1 to April 30, may include periodic closures], ~~2016~~2017. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~[20-26] inches total length.

(4) Between Pigeon Point and Point Sur (36°18'00" N. lat.).

(A) Open to salmon fishing ~~from April 2 to April 30~~[varied dates within the range from April 1 to April 30, may include periodic closures], ~~2016~~2017. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~[20-26] inches total length.

(5) South of Point Sur.

(A) Open to salmon fishing ~~from April 2 to April 30~~[varied dates within the range from April 1 to April 30, may include periodic closures], ~~2016~~2017. Fishing is authorized ~~7~~[0-7] days per week [specify open days of week and date range as needed].

(B) Daily Bag Limit: ~~2~~[0-2] salmon per day. See subsection (b) above and subsection (e) below.

(C) Minimum Size: ~~24~~[20-26] inches total length.

Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: N/A

\_\_\_\_\_

**From:** (Public Agency): CA Fish and Game Commission  
1416 Ninth Street, Room Room 1320  
Sacramento, CA 95814

(Address)

Project Title: Amend Section 27.80, Title 14, California Code of Regulations, Re: Ocean Salmon

Project Applicant: N/A

Project Location - Specific:

Statewide

Project Location - City: N/A

Project Location - County: N/A

Description of Nature, Purpose and Beneficiaries of Project:

Ocean Salmon is jointly managed by the Pacific Fishery Management Council and National Marine Fisheries Service, in conjunction with the west coast states. The Fish and Game Commission has taken concurrent action to conform State recreational regulations to federal regulations.

Name of Public Agency Approving Project: California Fish and Game Commission

Name of Person or Agency Carrying Out Project: California Department of Fish and Wildlife

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Cal. Code Regs., tit. 14, §§ 15307, 15308
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

See attached.

Lead Agency

Contact Person: Valerie Termini

Area Code/Telephone/Extension: (916) 653-4899

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: 3/15/2017 Title: Executive Director

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

March 15, 2017

## **ATTACHMENT TO NOTICE OF EXEMPTION Adoption of Ocean Salmon Regulations**

The California Fish and Game Commission (Commission) has taken final action under the Fish and Game Code and the Administrative Procedure Act with respect to the rulemaking mentioned on March 15, 2017. In taking its final action for the purposes of the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 *et seq.*), the Commission adopted the regulations relying on the categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources” contained in CEQA Guidelines Section 15307, and the categorical exemption for “Actions by Regulatory Agencies for Protection of the Environment” contained in CEQA Guidelines Section 15308. (Cal. Code Regs., tit. 14, §§ 15307, 15308.)

### **Categorical Exemptions to Protect Natural Resources and the Environment**

In adopting the ocean salmon regulations to conform to federal regulations developed by the Pacific Fishery Management Council and adopted by the National Marine Fisheries Service, the Commission relied for purposes of CEQA on the Class 7 and 8 categorical exemptions. In general, both exemptions apply to agency actions to protect natural resources and the environment. The regulations define annual fishing seasons, daily bag and size limits and specify methods of take for alignment with enacted federal regulations. The federal regulations are developed with the dual purpose of maintaining optimum yield while at the same time preventing overfishing and conserving the resource. State conformance with federal regulations is also necessary to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). Because these regulations are intended to protect the sustainability of the fishery as a natural resource, the Commission’s adoption of these regulations is an activity that is the proper subject of CEQA’s Class 7 and 8 categorical exemptions.

### **No Exceptions to Categorical Exemptions Apply**

As to the exceptions to categorical exemptions set forth in CEQA Guidelines Section 15300.2, including the prospect of unusual circumstances and related effects, the Commission review was guided by the California Supreme Court’s recent decision in *Berkeley Hillside Preservation v. City of Berkeley*. Staff has reviewed all of the available information possessed by the Commission relevant to the issue and does not believe adoption of the regulations creates any unusual circumstances that would constitute an exception to the categorical exemptions set forth above. Compared to the activities that fall within Class 7 and Class 8 generally, which include the given example of wildlife preservation activities such as the current effort; there is nothing unusual about the proposed regulations.

In addition, even if there were unusual circumstances, no potentially significant effects on either a project-specific or a cumulative basis are expected. The intent of the proposed regulations is conformance of State regulations with federal regulations to maintain continued State authority over its recreational ocean salmon fishery and avoid federal preemption under the Magnuson-Stevens Fishery Conservation Act (16 USC §1856 (b)(1)). The regulations are anticipated to achieve optimum yield in the fishery, but also to prevent overfishing and thereby take into consideration the potential for negative impacts on the fishery.

Therefore, staff does not believe that the Commission's reliance on the Class 7 and Class 8 categorical exemptions is precluded by the exceptions set forth in CEQA Guidelines Section 15300.2.

## Fonbuena, Sherrie@FGC

---

**From:** Miller, Barry@Wildlife  
**Sent:** Tuesday, February 14, 2017 2:12 PM  
**To:** FGC  
**Cc:** Fonbuena, Sherrie@FGC  
**Subject:** FW: public comment: 2017 Recreational Salmon Season (south of Pt. Sur)

**From:** Don Thompson  
**Sent:** Tuesday, February 14, 2017 11:02 AM  
**To:** FGC  
**Cc:** Shuman, Craig@Wildlife  
**Subject:** public comment: 2017 Recreational Salmon Season (south of Pt. Sur)

Dear Commissioners

Please consider these comments regarding proposed 2017 Recreational Salmon Season south of Pt. Sur. The Commission's public notice indicates an intent to maintain status quo regulations with 2016 regulations.

In 2016 there was a disparity in the season reductions by area, with anglers south of Pt. Sur receiving a shorter fishing season than those who live and fish from Monterey North. Additionally the commercial season south of pt. Sur started later and continued after the closure of the recreational season.

I would like to request that the Commission make a more balanced allocation of fishing seasons between the anglers south and the anglers north. The trend has been, that the salmon runs through the Morro Bay and Port San Luis areas have not shown up until May / June. Please consider a change in season duration for May & June, in lieu of the month of April.

Last years regulations favored anglers north of Pt. Sur. It seems that because those of us who live and fish south of Pt. Sur are a small constituency that we have no representation, and as a result have ended up being shortchanged on allocation.

Sincerely

Don Thompson

RECEIVED

March 2017

2017 FEB 22 PM 2:00

MCS

To whom this may concern:

The sport season involving use of dogs and GPS collars in the even more remote areas of our state helps maintain proper wildlife balance. The sport season helps with grazing practices in our national forests and BLM. The sport season also keeps wildlife in fear of people which in turn keeps wildlife from overpopulating and expanding outside of the remote areas of our state and down into farm crops which is why depredation permits involving use of dogs for agriculture has failed. The sport season is the most effective wildlife management tool which pushes the game around and helps with wildlife grazing. When the Indians followed the buffalo, the kill balanced the population, and the chase shifted the buffalo herd which helped maintain healthier grasslands in our great planes. The sport season is the most effective tool to protect California agriculture which produces a supposedly 25 percent of our nations fruits and vegetables and also employs so many Hispanic farm workers which helps pave their pathways to U.S citizenship. The ban on on use of dogs and GPS collars will only make things more difficult for hardworking farmers, and could force even more Hispanic farm workers to be deported if more jobs are lost because of California's over regulated farming regulations and horrible wildlife management policies.

1 out of 6 Americans suffer from food related illnesses every year. Wildlife in crops increases the odds of food borne illnesses. With California playing a major role in feeding the entire country (including our pets and local animal shelters), California's over regulated farming policies turning people away from not wanting to use dogs will pose a national health concern. Often when food poisoning does occur in our urban communities and investigations are done to trace where the food came from, too much time has gone by and the farm fields have often already been disked over so it is impossible to have any set proof of what caused the food related illness and where it actually came from. This proves that there are a lot more undocumented food poisoning related illnesses than The Food and Drug Administration has realized due to California's horrible wildlife management plan which has already driven up grocery costs, escalated inflation, and has provoked consumer buyers to turn toward importing more food from other third world foreign countries who have more limited spray laws and food safety codes.

This also means that many urban businesses including our beloved San Francisco Bay Area restaurants or school lunch programs are stuck with the liability. Whenever a food borne illness happens, the reputation of that business, restaurant, or school lunch program is damaged forever. Urban communities and restaurants are now going to have to start being more informed about the poor decision making in California which I have been currently working on. California has some of the strictest and over regulated farming regulations in the nation and is supposed to be pro-environment. The ban on use of dogs and GPS collars for wildlife management will only violate California's policy of going green no matter what cost, and put everybody in more danger for food borne illnesses on a national level which I will be subject to address to our new Federal Government, The Food and Drug Administration, Environmental Health, and The Environmental Protection Agency to request right to farm laws be passed at the federal level with use of dogs and GPS collars included.

Rural California communities and hard working livelihoods who are being negatively affected from our HSUS affiliated California Legislation's assault on California agriculture should remain sanctuary from the poor decision making of urban influence from The SF Bay Area and Los Angeles for logging, grazing policies, water rights, and use of dogs for wildlife management. An attack on the sport season, use of dogs, and GPS collars for wildlife management should be considered an attack on our environment, our grasslands, our habitat and endangered species, our healthy food supply (along with urban restaurants, school lunch programs and other food related businesses in our inner cities), all farmers and ranchers, our Hispanic farm workers, and the humanity and freedom for all pet owners and pets. Learn more at "Humanewatch.org" or "Protect the Harvest.com."

Yours truly,

Greg Fontana

Half Moon Bay CA 94019



**California Legislators affiliated with**  
**THE HUMANE SOCIETY**  
**OF THE UNITED STATES**  
**Threatens SF Bay Area People**  
**INVESTIGATE BEFORE**  
**YOU DONATE**

Google **"HSUS Racketeering,"**  
**"HSUS Attacks AIDS Research,"**  
**"HSUS Scam," "HSUS Fraud,"**  
**"HSUS Bankrupts Farmers,"**  
**"HSUS Sued for Rico ACT,"**  
**"HSUS Obstruction of Justice,"**  
**"HSUS Money Laundering,"**  
**"HSUS IRS Scandal," "HSUS Bribery"**  
**"HSUS Under Investigation."**

RECEIVED  
SAN ALBA COUNTY  
2017 FEB 22 PM 2:00  
MLS

To whom this may concern:

March 2017

The use of dogs for wildlife management is very important for all aspects of our Eco-system. Appropriate grazing policies have already been proven to be the stewardship of the land. Cattle grazing operations help eliminate foreign obnoxious weeds. They help maintain fresh, nutrient stronger, and healthier pastures. Healthy pastures help purify clean water when flowing into ponds and streams because healthier pastures from proper cattle grazing has been proven to work as a natural filter for our lakes and rivers. Cattle drinking out of water holes helps produce better frog and snake habitat when cattle are stepping the eggs into the mud and increasing egg hatching. Gopher holes often cause water holes to burst and erosion in our grasslands. Cattle step and pack in gopher holes when walking which decreases erosion problems and levee breaks. The fastest disappearing types of bird species on the North American Continent are living in the grasslands which is why conserving our grasslands is so environmentally important for all species including deer which is the mountain lions' main food source. Therefore eliminating humane sensible tools like GPS collars and use of dogs for predator deterrent would be environmentally senseless because of the negative impact improper wildlife management and our HSUS affiliated California Legislation has on appropriate grazing practices.

The most humane deterrent to push predators away from livestock without killing predators is use of dogs. When livestock is chased by predators, livestock often destroy fences when running, and often end up on roads and highways which has already been endangering the public and is currently happening in San Mateo County who has the largest mountain lion problem in the state. Livestock being chased by predators sometimes end up in neighboring farm crops which trickles to the negative impact on vegetable farming which sometimes causes conflicts between farmers and ranchers because of crop damage from livestock because of poor wild life management. A lot of vegetable farmers have livestock also. And without their livestock operation as a supplemental income they would not be able to keep their vegetable farms or fruit. Livestock is also used to put nutrients into the ground when resting fields to be farmed. In Half Moon Bay, we used deer dogs to chase deer out of the pumpkin fields to protect farm crops. The deer sport season worked for population control and a freezer full of food. Then in winter time we ran coyotes to protect our calves. Therefore, the ban on GPS collars and use of dogs poses a very serious threat to all farming and ranching in California. And with Proposition 2 forcing chicken farmers to turn more towards free range chickens which has already increased consumer costs nationwide, the use of dogs and GPS collars for wild life management is more important now than it ever was for the chicken industry.

The sport season involving use of dogs and GPS collars in the even more remote areas of our state helps maintain proper wildlife balance. The sport season helps with grazing practices in our national forests and BLM. The sport season also keeps wildlife in fear of people which in turn keeps wildlife from overpopulating and expanding outside of the remote areas of our state and down into farm crops which is why depredation permits involving use of dogs for agriculture has failed. The sport season is the most effective wildlife management tool which pushes the game around and helps with wildlife grazing. When the American Indian followed the buffalo herd, the kill balanced the population, and the chase shifted the buffalo herd which helped maintain healthier grasslands in our great planes. The sport season is the most effective tool to protect California agriculture which produces a supposedly 25 percent of our nations fruits and vegetables and also employs so many Hispanic farm workers which helps pave their pathways to U.S citizenship. The ban on GPS collars will only make things more difficult for hardworking farmers, and could force even more Hispanic farm workers to be deported if more jobs are lost because of California's over regulated farming regulations including the ban on GPS collars and use of dogs for proper wildlife management. Learn more at Humane Watch.org or Protect The Harvest.com.

Yours truly, Greg Fontana

Half Moon Bay CA 94019



# THE HUMANE SOCIETY OF THE UNITED STATES

## THE GREAT AMERICAN THREAT

Farmers and Ranchers have devoted their lives to feeding our children, our pets, and our local animal shelters for decades. **HSUS poses a very serious**

**threat** to our nation's farmers, ranchers, fashion industries, restaurants, and scientific researchers, who have fed, clothed, cured, and employed millions world-wide. **You can help American farmers by supporting our local animal shelters and not supporting The Humane Society of the**

**United States.** To learn about The HSUS, log on to "**Humane Watch.org,**" or "**Protect the Harvest.com,**" or google "**HSUS Racketeering,**" or "**HSUS Under Investigation,**" or "**HSUS Fraud,**" or "**HSUS Malicious Prosecution**" or "**HSUS Obstruction of Justice,**" or "**HSUS Money Laundering,**" or "**HSUS IRS Scandal.**"

Before more American farmers go under, which is already increasing grocery costs, escalating inflation, and provoking other 3rd world foreign countries who's agriculture is not threatened by HSUS to cut deeper into our already depleting tropical rain forests (which holds a supposedly 60 percent of the world's oxygen) in order to keep with the increasing supply and demand of feeding The United States of America.

# Protect our Mexican Farm Workers

Hispanic farm workers have devoted their lives to helping American farmers and ranchers feed our children, our pets, and our local animal shelters for decades. **The Humane Society of the United States**

**poses a very serious threat** to our Hispanic community and their dreams of becoming legal U.S. Citizens. Stricter rules and regulations for California farmers and ranchers only makes it harder for American Farmers to provide jobs for

our Hispanic American people. **You can help**

**our Hispanic communities by**

**supporting local animal shelters and**

**not supporting The Humane Society of the United States.** To learn about HSUS, log

on to **"Humane Watch.org,"** or **"Protect The**

**Harvest.com,"** or google **"HSUS Racketeering,"** or

**"HSUS Fraud,"** or **"HSUS Scam,"** or **"HSUS Malicious**

**Prosecution"** or **"HSUS Rico Lawsuit,"** or **"HSUS**

**Obstruction of Justice,"** or **"HSUS Bribery"** or **"HSUS**

**Money Laundering"** or **"HSUS IRS Scandal,"**

or **"HSUS Under Investigation."**



**P**ROTECTING **E**ARTH & **A**NIMALS **W**ITH **C**OMPASSION & **E**DUCATION

P.O. Box 846 • Newcastle, CA 95658 • [pea-ce@live.com](mailto:pea-ce@live.com)

March 1, 2017con

CA Fish and Game Commission  
1416 Ninth Street  
P.O. Box 944209  
Sacramento, CA 94244-2090

Subject: IMMEDIATELY BAN GPS Collars for Hound-Mammal Hunting and Training

**It's mind boggling to know that people are allowed to release dogs to beat the brush,** create all kinds of subtle and not-so-subtle disturbances of wildlife, and mortally wound unsuspecting species, or to suffer injuries inflicted upon themselves by wildlife or landscape hazards. All these realities and so much more will significantly increase with the preposterous proposed 12-month delay in implementation of a ban of the use of GPS collars to hunt mammals.

The CA FGC, along with CDFW staff have been unduly and erroneously influenced—brainwashed, if you will—by houndsmen with irrelevant and unsubstantiated claims. Dog safety has been a primary stated reason to allow GPS collars, but this is simply bogus and illogical. GPS collars will not ensure dog safety. **It's been stated repeatedly:** When a dog is miles from its handler and immediate intervention is called for, it simply cannot happen physically. GPS collars will allow dogs to roam even further from handlers making interventions even more difficult.

Another reason stated for allowing GPS collars is dog retrieval. Dog retrieval may be facilitated, but there are many other, less-invasive and less-damaging mitigation measures that can accomplish the same level of retrieval and not impact wildlife. As stated in comment submissions: Neither the FGC nor the CDFW is the business of domestic animal welfare, especially when wildlife welfare should be the priority. Domestic animal retrieval concerns are the sole responsibilities of the dog owners.

GPS collars must be banned immediately—not after a 12-month delay. The FGC wrongly approved the allowance of GPS collars in 2016. Reversing that decision is the correct action to take. To allow noncompliant GPS use to continue is to condone an activity that should never have been allowed in the first place and encourages and condones scofflaw behaviors, including poaching.

Historically, hounding never used high tech, and more importantly, hounds were trained to stay with their handlers—either via command or tether. Radio collars blew any claims **of the "heritage and tradition" façade** out of the fair-chase waters, but now, in spite of the fact that except for nine southern states, no other state in the continental U.S. even allows hound hunting of deer, the CA FGC diminishes ethics and fair chase even further by adding GPS collars to the already-uneven playing field. Deer drives are common where deer hounding is allowed with GPS collars.

All of this runs contrary to the will of the people. The times are changing and currently, more than ever, wildlife is cherished and revered by almost all citizens of the United States. California is a state that not only values its wildlife resources, it also PROTECTS them, unlike other states that ravage both wildlife and land. When the public even

hears that deer hound hunting is allowed, their first reaction is usually disgust, followed by anger. Yet the FGC and the CDFW keep their blinders in place.

Unfortunately, due to an out-dated, good ol' boy, head-in-the-sand mentality, California still allows killing of the best and the healthiest wildlife species—both for trophy and so-called "sport" (nowadays, if it ever was, hunting is no more a "sport" than knitting is). Riding around in pick ups or ATV's with high tech, electronic scoping, scent attractants, distress and mating calls to draw every species imaginable, tree stands, forage planting (to work around baiting bans), and on the list goes, takes hunting out of any kind of historical ethical or fair chase concepts.

Allowing GPS hound collars to hunt deer is an embarrassment. For the longer stretches, deer cannot outrun dogs due to lung capacity differences. GPS will allow for deer drives **that are common in the south. Those who are to do the killing are called "stands" and wait at the end of a deer drive. Dogs with GPS collars start at the other end, and as the chase shifts directions, hounders call the changing-direction coordinates to the stands. When the deer, one or more, come into sight, it's akin to a canned hunt—illegal in California—but GPS will provide the "wink-wink" go ahead.**

Because most if not all staff and commissioners of both the FGC and CDFW are known to engage in wildlife hunting/killing of the biggest and best and using high technology to do so, and because agencies appear to have bought into spurious dog safety claims, in spite of evidence to the contrary, the public now rightfully wonders if biased agency staff members should remove or recuse themselves from any decision making or planned **environmental "analysis" in order to keep some semblance of neutrality in tact.**

When bear hound hunting was finally banned via legislation because neither the FGC nor the CDFW would protect wildlife as they should, almost every hounder who testified and signed petitions to oppose SB 1221 vowed that he or she was pulling up stakes and leaving the state—for good!. The few who stayed then said they were leaving when hounding of bobcats was banned. True to form, they either never intended to leave or went back on their word, or it was all fake declarations and blustering. Few if any of them have left.

We urge the FGC to just follow the law. Ban GPS collars and implement immediately. Then bring back the Notice to allow GPS, and with diligence and good faith efforts, conduct an in-depth, unbiased environmental analysis of the negative impacts of allowing GPS collars on hounds.

For the PEACE team,

*Randall Cleveland*

Randall Cleveland



**PLACER GROUP**  
P.O. BOX 7167, AUBURN, CA 95604



**PUBLIC INTEREST COALITION**  
P.O. Box 671, Loomis, CA 95650



[sent via email: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov) ]

January 26, 2017

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244

Ladies and Gentlemen:

**RE: Mar 15, 2017 Agenda Item 4--Discussion Proposed Reg Changes-Sec 265  
Implement GPS Ban as Originally Planned and Approved**

As stated by the CA Fish and Game Commission (FGC) in at least two previous meetings, an environmental analysis, for the approved regulation change in early 2016 to amend Sec 265, title 14, CCR) and allow GPS collars for the first time ever, should have been prepared. The subsequent plans and approved motions to “right the wrong” and reverse that decision via a proposal to bring back the ban and once again prohibit GPS collars for mammal hunting, was a proper and the only responsible action to take.

I. Unacceptable FGC Process

Instead of taking the planned corrective action, on February 8, 2017, the current ban proposal was stalled due to an incorrect assumption that a functional equivalent of the California Environmental Quality Act (CEQA) analysis was necessary or required. Our letter handed to the FGC at the meeting on February 8, 2017 (Attachment A), explains why no analysis is required. However, assuming that the FGC is determined to vote in April to approve the rightful proposed ban, the FGC should be aware that the potential negative impacts from allowing GPS collars for hound hunting will continue.

One of the most egregious actions from the February 8, 2017, meeting was a motion to delay implementation of the ban (if adopted), for 12 months. The stated reason for the unacceptable delay is to allow the CDFW time to do an analysis. To abandon what is a reasonable correction of a previous action via delayed implementation suggests a disregard of laws that protects wildlife. The time to begin a required CEQA analysis of GPS collar impacts was in 2015, at the time the Notice to allow GPS collar use was on the agenda—December of 2015—or when compelling evidence was submitted in the record and met the CEQA threshold to require the analysis. With the current GPS ban proposal, there is no compelling evidence in the public record suggesting an analysis for the currently proposed ban is required. A thorough and valid analysis will be costly and thus shrink CDFW’s inadequate resources even further. Thus, the arbitrary 12-month delay suggests other influences are at play of which the public is not being informed.

The FGC unanimously approved a plan to: Amend the current regulation; bring back the ban of GPS collars for mammal dog hunting; and then go to Notice to amend again to allow GPS for mammal hunting. Only that would be the proper time to conduct the CEQA analysis, in order to decide whether to allow GPS collars again, or not. We urge the FGC to stick to the plan.

## II. Proposed GPS Ban Is Warranted

Specious and disingenuous claims have been made by houndsmen and other supporters in support of GPS collars for hound hunting of mammals and for training. To debunk those claims and support approval of the proposed ban and immediate implementation, we submit the following:

1—Claim: “GPS will allow intervention when needed.” Some GPS collars advertise ranges of nine miles or more.<sup>1</sup> When a hounder (also “handler”) is a mile, let alone nine miles or more, from a dog on flat or rugged terrain, we submit that effective, immediate intervention is impossible. A frenzied altercation with wildlife, trespassing, disruption of wildlife behaviors (including but not limited to migration patterns, abandonment of young, etc.) will be greatly exacerbated.<sup>2</sup> We submit, by reference, the letter and all the evidence within it, from Public Interest Coalition, submitted to the FGC on January 26, 2017 to support our contention that intervention will not, and cannot, be facilitated by GPS collars.

2—Claim: “GPS will not increase poaching.” GPS collars will bring high tech into the underworld of poaching and create a loophole to avoid citations.

If dogs “accidentally” tree a bear or any other prohibited wildlife species, with GPS collars, their handlers may communicate with nearby bear hunters and relay the coordinates. When the bear hunters arrive, the dogs are removed. Worse, bear poachers will have a field day with GPS collars on hounds as they claim to be hunting other animals.

With “deer drives,” dogs with GPS collars are released at one location by licensed hunters or hounders, while a “stand” of armed hunters wait at another location with communication capacity (phone, texting, radio, etc.). The hounders or handlers merely communicate the directional coordinates of the deer that will be “picked off” when they emerge—exhausted—in firing range. We believe canned hunts are illegal in California, but this is about as close as it comes, and why GPS collars should not be allowed.

High technology greatly diminishes or eliminates fair chase. Worse, the more it’s allowed in wildlife mammal hunting, the greater the opportunities for hacking into other GPS info and clandestine poaching. Unless law enforcement efforts are increased and/or agency technology is modernized, there is no way to keep up.<sup>3 4</sup> GPS collaring should not be allowed for mammal hunting.

3—Claim: “GPS collars are about dog safety.” We submit that there may be a few who are concerned about their dogs’ safety, but either their naiveté or ignorance of the real dangers to dogs that are released into the wild suggests that dog owners themselves are creating the unsafe conditions. GPS collars can neither control dog’s reaction in an altercation nor remove risks that the hounders willingly subject their dogs to.

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<sup>1</sup> <http://gundog.lcsupply.com/2016/06/garmin-astro-320-vs-garmin-astro-430/>

<sup>2</sup> “Effects of hunting with hounds on a non-target species living on the edge of a protected area,” Stephano Grignolio, et al, Italy March 2010.

<sup>3</sup> <http://www.smithsonianmag.com/smart-news/tracking-collars-poachers-animals-scientists-180962345/> **Tracking Collars Can Lead Poachers Straight to Animals, Scientists Warn**--A study says that the new technology could hurt more than it helps. .... “Truth be told, if something isn’t overtly outlawed it’s likely someone will try to do it—as when Alaskan hunters started using drones to get around state regulations on big game hunting. *As SmartNews reported in 2014*, the state then banned the practice. But it just goes to show that when new technology emerges, it could just as well be used to harm animals as to help them—unless people team up to do something about it.

<sup>4</sup> <https://heatst.com/life/tech-savvy-poachers-hack-gps-signals-to-hunt-endangered-animals/>

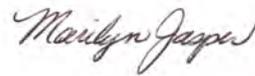
Risks include, but are not limited to, predator encounters, other dogs, traps/snares (legal and illegal), livestock/land owners who have a right to kill a harassing dog, and/or physical obstacles that can cause serious, if not fatal, injuries. When in training, handlers are not allowed to carry firearms, so the likelihood of a handler pulling a bear or mountain lion off a dog with bare hands is highly unlikely. Because the allowance of GPS collars will mean more dogs will be released in the wild, it is reasonable and foreseeable to conclude that dog safety will be reduced or compromised, rather than improved.

4—Claim: “GPS collars will have no impact because deer hunters can only hunt with one dog at a time. What’s missing from this claim is that there is no limit to the number of hunters that may be in a deer hunting party, and that each one may have a dog. Thus the impacts to all wildlife species can be huge as packs of dogs, trained and untrained, are released that will cross scent and create havoc.

5—Claim: “GPS collars will allow dog retrieval.” There are many alternatives to GPS collars which avoid and/or mitigate their negative impacts and that will increase dog retrieval. They have been mentioned before, but they include micro chipping; solid training on obedience commands (especially “recall”) before release in the wild; handlers physically keeping up with, or keeping all hounds in range; tethers or leashes (commonly used for blood tracking of wounded game); and radio telemetry collars. GPS collars and their increased negative impacts are simply not necessary.

We urge the FGC to vote for the ban on GPS collars and not delay any implementation. If GPS collars on hounds to hunt mammals are still desired, then the proposal should go to Notice and the proper CEQA and FGC process should begin.

Thank you for considering our views.



Marilyn Jasper, Chair  
Public Interest Coalition  
Conservation Comm, Sierra Club Placer Group



**PLACER GROUP**  
P.O. BOX 7167, AUBURN, CA

**Attachment A**



PUBLIC INTEREST COALITION  
P.O. Box 671, Loomis, CA 95650



[Sent via email]

February 5, 2017

To: CA Fish and Game Commission (FGC)

Subj: Agenda Item 20—Dogs, GPS Collars—**FGC Regulation Change Process**

Public Interest Coalition, along with two other organizations, submitted timely comments on this agenda item (GPS collars/hound hunting) to support adoption for the February 8, 2017, FGC meeting. Those submissions are included in the “Meeting documents.” Because the meeting documents, which included the staff summary (SS), were not posted until February 2, 2017, we were unaware of staff’s recommendation to continue the action vote to April, and therefore unable to include it in our comments.

Staff recommendations appear to deviate from FGC’s usual adherence to a three-step process of (1) Notice and Initial Statement of Reasons (ISOR, dated 10/7/16, for this GPS collar issue); (2) Information or Discussion (12/18/16 FGC meeting); and (3) Action (vote to adopt or not). With the current GPS collar ban regulation change proposal, the Notice and Discussion steps were completed, and Action was to be on February 8, 2017.

Staff now recommends a continuance of the discussion and adoption decision. This recommended process change is seemingly well-intended, but we submit it is unwarranted and not legally required. The current proposed GPS collar prohibition should proceed and the “Action” step completed as planned. Delaying the process at this time, with the first two steps having been fully vetted with plenty of public comment opportunity and no public record to support further analysis, may create non-compliance issues with the functional equivalent of the California Environmental Quality Act (CEQA) and set precedence for future proposed regulation changes that require CEQA adherence.<sup>5</sup>

The Notice and Discussion meetings clearly stated the Commission’s intention to amend Sec 265, Title 14, CCR (to prohibit GPS collars), and the ISOR unequivocally presented no environmental impacts.<sup>6</sup> The ISOR, which in this case is akin to CEQA’s Negative Declaration (Neg Dec), also assessed and determined that there would be no statewide adverse economic impacts or any significant impacts on the creation or elimination of jobs or businesses. The ISOR fully complied with CEQA as a Neg Dec functional equivalent and anticipated numerous benefits to California’s environment, including clarification of the requirements for the use of dogs as mammal hunting aids and for the equipment.<sup>7</sup>

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<sup>5</sup> Agreeing to a continuance implies that the public may simply express a pro or con opinion on any regulation proposal, demand an environmental analysis without submitting substantive evidence, delay the agency’s actions, and essentially render the ISOR irrelevant. CEQA has specific requirements for timely commenting, which the courts have upheld.

<sup>6</sup> ISOR, pg 3: V. Mitigation Measures Required by Regulatory Action: The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

<sup>7</sup> Specific multiple benefits identified, pgs 4, 5, and 6, ISOR, 10/7/16.

We submit that there is nothing in the public record to indicate further environmental analysis is required or justified. There are no written comments opposing the proposed ban on GPS collars, no evidence submitted from those who spoke in opposition at FGC meetings, and no substantial changes in the proposal itself that would trigger major revisions and/or an environmental analysis.

During oral public comment at the October 20, 2016, FGC meeting, three pro-hounding citizens expressed opinions with no supporting evidence. Furthermore, two of them urged the FGC to move forward with the proposal (to ban GPS collars). During oral public comments at the December 8, 2016, FGC meeting, although the same three speakers again gave their opinions, they and others who spoke submitted no evidence of impacts that the prohibition would create, or even may create, on the environment. Substantive evidence does not include opinions or feelings. Thus, the ISOR fully complies with CEQA and stands as adequate and complete for the current proposal to proceed to a GPS hound prohibition adoption vote.

Also at the December 2016 FGC meeting, the notice to the public was that this agenda item was “Information” only—no action was to be taken. The FGC voted both on the item (to take action at the Feb 8 meeting) and on a future action (new Notice). One commissioner stated that doing a full CEQA environmental analysis would get to the desired objective—an analysis of the impacts of allowing GPS on dogs. He clearly indicated that no environmental analysis would be needed for the Feb 8 action item.

We submit he was absolutely correct—no environmental analysis of the current proposal is required under CEQA because it is well established that the current proposed prohibition will create no significant impacts. This is further confirmed by the fact that no evidence or citations to the contrary were entered into the public record via the meeting documents. To “continue” the issue, especially for months, is unwarranted.

The SS states that “*DFW staff is developing an analysis of the impacts of both allowing GPS collars and treeing switches and prohibiting the use of that gear.*” However, that analysis is needed only for any subsequent rulemaking—**NOT** for the currently proposed regulation. For the anticipated subsequent Notice (to reverse the current proposed prohibition on GPS collars if adopted on Feb 8), we support and welcome both a complete environmental analysis of GPS collar impacts and circulation of a DED to comply with CEQA. But that does not alter the fact that there is no evidence to oppose or negate the current ISOR; therefore, staff recommendations to continue the matter to the future should be rejected. The functional CEQA process has been completed, and compliance does not include adding analysis or a DED when there is no call for it. There is no legal requirement or CEQA mandate for the FGC to delay or postpone taking action on the current proposal to prohibit GPS collars and tree switches for mammal hound hunting.

We urge the FGC to adhere to its rulemaking protocol, complete the CEQA process as originally planned, follow precautionary principles, and vote to adopt the current proposal.

Thank you for considering our views.



Marilyn Jasper, Chair  
Public Interest Coalition  
Conservation Comm, Sierra Club Placer Group

cc Various FGC and CDFW staff



Advocates for Wildlife

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California Fish and Game Commission  
1416 Ninth Street, Suite 1320  
Sacramento, CA 95814  
[fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

February 28, 2017

Dear Commissioners,

I am writing to request an immediate ban on the use of GPS collars on hounds for hunting until the impacts of their use on California's wildlife have been fully studied. The chaos and suffering that is created by running hunting hounds on mammals is made even worse when GPS collars are employed.

GPS collars allow for more hounds on the hunt, and hounds can range miles from their handlers, meaning a lack of control as they move across the landscape, through private property and across non-target mammal dens that may be harboring young. Mothers fight to the death and young are ripped apart by activated hounds on the hunt.

Target animals are treed and kept waiting at bay until the handler arrives to shoot the terrified, exhausted and trapped animal point blank. No fair chase, no sportsmanship, just a houndsman following a GPS signal to shoot what hounds have trapped or treed. This is not ethical hunting.

And when hounds range so far from their handlers who are relying on GPS signals over larger distances, injury and death to the hounds from wildlife encounters increases as well.

I respectfully request a ban on GPS collars while their impacts to wildlife are being studied. Hounding with these devices increases the indiscriminate loss and suffering of our wildlife, a valuable and treasured public resource in California. There is much to be accounted for, including accidental take of endangered species, lethal disruption of non-target wildlife, damage to personal property including livestock and pets, welfare of the hounds, and poaching.

We are counting on the Fish and Game Commission to stand up for wildlife and ban GPS collars until further study is made on the negative impacts of their use.

Thank you for your consideration and for all you do for California's wildlife.

Sincerely,

*Erin Hauge*

Erin Hauge  
Representative, Advocates for Wildlife  
Sacramento, CA 95814

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