

STAFF SUMMARY FOR APRIL 26-27, 2017

2. PUBLIC FORUM (DAY 1)**Today's Item****Information** ☒**Action** ☐

Receipt of public comments, petitions for regulation change, and requests for non-regulatory actions.

Summary of Previous/Future Actions

- **Today's receipt of requests and comments** **Apr 26-27, 2017; Van Nuys**
- Direction to grant, deny or refer Jun 21-22, 2017; Smith River

Background

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

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

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

Significant Public Comments

1. Petitions for regulation change are summarized in Exhibit 1 and the original petitions are provided in Exhibit 3.
2. Non-regulatory requests are summarized in Exhibit 2 and the original requests are provided in exhibits 4-13.
3. An informational comment is provided in Exhibit 14.

Recommendation

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

Exhibits

1. [Summary table of new petitions for regulation change received by Apr 13 at 5:00 p.m.](#)
2. [Summary table of new non-regulatory requests received by Apr 13 at 5:00 p.m.](#)

STAFF SUMMARY FOR APRIL 26-27, 2017

3. [Petition # 2017-002: Ballona Wetlands Land Trust](#)
4. [Email from Marko Mlikotin, received Feb 24, 2017](#)
5. [Email from Jean Welch, received Mar 2, 2017](#)
6. [Letter from Mia Laurence, received Mar 26, 2017](#)
7. [Email from Marilyn Jasper, received Mar 29, 2017](#)
8. [Email from Francis Coats, received Mar 30, 2017](#)
9. [Email from Christine Harris, received Apr 13, 2017](#)
10. [Email from The Cultured Abalone Farm, received Feb 10, 2017](#)
11. [Email from Cynthia Harland, received Feb 26, 2017](#)
12. [Email from Mike Wright, received Mar 23, 2017](#)
13. [Email from Audubon California, received Apr 13, 2017](#)
14. [Letter from Gaye Mueller, received Jan 23, 2017](#)

Motion/Direction (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR REGULATION PETITIONS: RECEIVED BY 5 PM ON APR 13, 2017
Revised 4-14-2017

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

Tracking No.	Date Received	Response Due (10 work days)	Response letter to Petitioner	Accept or Reject	Name of Petitioner	Subject of Request	Code or Title 14 Section Number	Short Description	FGC Decision
2017-002	3/1/2017	3/15/2017	3/10/2017	A	Walter Lamb	Ballona Wetlands Land Trust	630(h)(3), T14	Eliminate parking use exemption for County of Los Angeles leases	RECEIPT: Scheduled 4/26-27/2017 ACTION: Scheduled 6/21-22/2017

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS: RECEIVED BY 5 PM ON APR 13, 2017
Revised 4-18-2017

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

Date Received	Name of Petitioner	Subject of Request	Short Description	FGC Decision
2/11/2017	Doug Bush The Cultured Abalone Farm, LLC	Kelp bed lease	Request to renew lease of Kelp Bed #208 for exclusive harvesting of giant kelp; lease expired on March 31, 2017.	Receipt scheduled 4/26-27/2017 Action scheduled: N/A*
2/24/2017	Marko Mlikotin CA Sportfishing League	Social media	Requests FGC utilize social media to more effectively notice public hearing dates and communicate policy objectives	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
2/25/2017	Mia Laurence	Hunting and trapping	Requests FGC outlaw hunting and trapping.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
2/26/2017	Cynthia Harland	Aquaculture leases	(1) Urges FGC not to approve any new aquaculture leases in Tomales Bay until "legacy trash and debris" from oyster farming is cleaned up; (2) Requests that DFW and FGC clean up marine debris in Tomales Bay.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
3/2/2017	Jean Welch	Hunting and trapping	Requests FGC outlaw hunting and trapping of native wildlife.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
3/23/2017	Mike Wright	Aquaculture leases	Opposes possible FGC approval of the new aquaculture lease application for Tomales Bay received in Feb 2017.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
3/29/2017	Marilyn Jasper Public Interest Coalition Sierra Club Placer Group	Public comments	Urges FGC to develop and implement a policy defining staff's authority and criteria for incorporating public comments in meeting materials.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
3/30/2017	Francis Coats	Public use and access	Requests FGC consider applicable laws for navigable waters and public trust lands when adopting regulations for public use of wildlife areas and ecological reserves.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
4/13/2017	Christine Harris	Trapping	Requests FGC stop the trapping of wolves.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017
4/13/2017	Mike Lynes and Anna Weinstein Audubon California	Aquaculture leases, Marine spatial planning	Urges FGC to (1) require a spatial planning process for Tomales Bay before evaluating or approving new or expanded aquaculture; (2) not issue any new or expanded aquaculture leases unless and until a maximum, permanent footprint and location for aquaculture is identified and adopted by FGC; (3) adopt a motion to request staff to work with partner agencies to initiate a marine spatial planning exercise and identify siting alternatives; (4) direct staff to reach out to OST, OPC, or other organizations to undertake marine spatial planning; and (5) requests FGC add a discussion on topic to 2017 MRC meeting agenda.	Receipt scheduled 4/26-27/2017 Action scheduled 6/21-22/2017

* **Note:** This request was already denied under staff review. Renewal request was not received during the lease renewal timeline prescribed in lease terms. Lessee was notified (3/30/2017) and invited to reapply. FGC staff must notify current kelp license holders of the availability of Kelp Bed 208, and advertise for bids on the individual kelp bed, as required in subsections 165.5(e) and 165.5(h) of Title 14, CCR. No FGC action necessary.



2017-002

Tracking Number: (Click here to enter text.)

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

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

SECTION I: Required Information.

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

1. Person or organization requesting the change (Required)

Name of primary contact person: Walter Lamb, Ballona Wetlands Land Trust

Address: 4201 Duquesne Ave #4, Culver City, CA 90232

Telephone number:

Email address: landtrust@ballona.org

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: Fish and Game Code Section 1580 ["The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves."]

3. Overview (Required) - Summarize the proposed changes to regulations: This petition proposes to amend Section 630 of the Code of California Regulations, Title 14 to eliminate the parking use exception for "[e]xisting parking areas under leases to the County of Los Angeles" in the Ballona Wetlands Ecological Reserve, by striking paragraph (b)(9)(F). The purpose of this proposed change is to convert approximately 72,600 square feet of paved parking lot, used by an unrelated County agency and by staff and patrons of a private shopping plaza, to a use more compatible for a public ecological reserve.

4. Rationale (Required) - Describe the problem and the reason for the proposed change: California taxpayers spent \$139 million over a decade ago to acquire the land which now makes up the Ballona Wetlands Ecological Reserve. This includes approximately 72,600 square feet of land currently leased to Los Angeles County, Department of Beaches and Harbors ("Beaches and Harbors"), for purposes that are primarily unrelated to the purpose of the ecological reserve (i.e. parking for Beaches and Harbors vehicles and parking for patrons and visitors to the Fisherman's Village shopping plaza across the street from the ecological reserve). The current parking exception was adopted by the Commission at its August 19, 2005 meeting. At least as early as 2011, the record shows that the California Department of Fish and Wildlife (previously Department of Fish and Game) began contemplating Beaches and Harbors' desire to construct a three-level parking garage within the



boundaries of the ecological reserve. This proposal is currently part of all three alternatives under consideration for the Ballona Wetlands Restoration Project. The “No Project” alternative is the only alternative not to include the parking structure component.

Los Angeles County currently pays the Department of Fish and Wildlife \$1,608 per year to lease approximately 254 parking spaces, the same amount it has paid since approximately 1995. Only a small portion of this lot is used by the Department of Fish and Wildlife for its vehicles and an office trailer.

Section 630 currently provides the Department with sole discretion as to whether a more appropriate use of this parcel should take precedence over the existing parking use. There is no question that this parcel of land can and would be more appropriately used if the Department exercised that discretion, but the Department has not done so. Therefore the only available remedy short of litigation available to stakeholders of the ecological reserve is to request this regulatory change.

SECTION II: Optional Information

5. **Date of Petition:** March 1, 2017
6. **Category of Proposed Change**
 - ☐ Sport Fishing
 - ☐ Commercial Fishing
 - ☐ Hunting
 - ☒ Other, please specify: Ecological Reserves
7. **The proposal is to:** (*To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>*)
 - ☒ Amend Title 14 Section(s):630
 - ☐ Add New Title 14 Section(s): Click here to enter text.
 - ☐ Repeal Title 14 Section(s): Click here to enter text.
8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** Click here to enter text.
Or ☒ Not applicable.
9. **Effective date:** If applicable, identify the desired effective date of the regulation.
If the proposed change requires immediate implementation, explain the nature of the emergency: As soon as practically possible, but not an emergency
10. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Please see attached records relating to the existing parking use and proposed parking structure.
11. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: Eliminating the existing parking lease with Beaches and Harbors would result in the loss of \$1,608 in annual lease payments, which is



February 24, 2017

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

Dear Mr. President,

Given the commission's longstanding desire for greater government transparency and public participation, our organization would encourage the commission to utilize common social media tools.

It appears that the commission is among the few public agencies that does not utilize such tools as Facebook or Twitter to more effectively notice public hearing dates and communicate its policy objectives to those who are dependent on the outdoors for recreation and jobs.

Examples of other fishery related agencies:

Pacific Fishery Management Council
www.facebook.com/PacificFisheryManagementCouncil/

NOAA
www.facebook.com/NOAA/

As your communications team will confirm, such tools are common today, and even local government is live-streaming public hearings on Facebook to engage the public remotely and in real time. Such tools take on added importance given the geographical size of our state, and that several commission hearings are held in some of the most remote parts of the state.

Knowing that greater public input is critical to developing sound public policy, thank you for considering this request at your next scheduled public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Marko Mlikotin", with a long horizontal stroke extending to the right.

Marko Mlikotin
Executive Director

2795 E. Bidwell Street, #100-119, Folsom, CA 95630, ph. 916.936.1777
www.sportfishingconservation.org

From: Jean Welsh
Sent: Thursday, March 02, 2017 10:02 AM
To: FGC
Subject: STOP THE MURDER OF CALIFORNIA'S WILDLIFE

From Shari Welsh

Valerie Termini
fgc@fgc.ca.gov

I am outraged by the the murder of our California's Wildlife. I AM OUTRAGED BY THE CRUELTY INFLICTED ON CALIFORNIA'S WILDLIFE. Outlaw all hunting and trapping of CA's NATIVE WILDLIFE. This barbaric ecocide of NATIVE WILDLIFE whom have more right to live here than most of us. The same genocide was used on American Indians. Hunters, trappers are sick individuals and ranchers are destroying our environment and are even a cause of GLOBAL WARMING. These native animals have evolved in North America for over 5 MILLION YEARS & we want them protected; **Canis** is a [genus](#) of [canids](#) containing multiple [extant](#) species, such as wolves, dogs and coyotes. Species of this genus are distinguished by their moderate to large size, their massive, well developed skulls and dentition, long legs, and comparatively short ears and tails.[3]

Etymology

The generic name *Canis* means "[dog](#)" in [Latin](#). The term "canine" comes from the adjective form, *caninus* ("of the dog"), from which the term [canine tooth](#) is also derived.[4] The canine family has prominent canine teeth, used for killing their prey. The word *canis* is [cognate](#) to the [Greek](#) word *kūon* ([Greek](#): *Κύων*), which means "dog", as well as (less transparently) English hound.

Terminology

- Immature males or females (that is, animals that are incapable of reproduction) are referred to as puppies.[5]
- A group of puppies from the same [gestation period](#) is referred to as a litter.[6]

Taxonomy

Canini

The [tribe](#) Canini[7] ([Fischer de Waldheim](#), 1817) is the sister group to the foxes ([vulpes](#)), and is represented today by two sub-tribes: genus *Canis*[8] that includes dogs, wolves, coyotes, jackals; and the genus *Cerdocyonina*[9] that includes the so-called foxes of South America ([Crab-eating fox](#)). The critical features that mark the Canini as a [monophyletic](#) group include: the consistent enlargement of the frontal [sinus](#), often accompanied by the correlated loss of the depression in the [dorsal surface](#) of the [postorbital process](#); the posterior expansion of the paroccipital process; the enlargement of the [mastoid process](#); and the lack of lateral flare of the orbital border of the [zygoma](#). [10] :p77

Canis

The [genus](#) Canis ([Carl Linnaeus](#), 1758) was published in the [10th edition of Systema Naturae](#)^[2] and included the dog-like carnivores: the domestic dog, wolves, coyotes and jackals. All species within the Canis genus are [phylogenetically](#) closely related with 78 [chromosomes](#) and can potentially [interbreed](#).^[11]

Evolution

The fossil record shows that [Feliforms](#) and [Caniforms](#) emerged within the super-family [Carnivoramorpha](#) 43 million YBP.^[12] The caniforms included the fox-like [Leptocyon](#) genus whose various species existed from 34 million YBP before branching 11.9 million YBP into [vulpes](#) (foxes) and canini (canines). The jackal-sized [Eucyon](#) existed in North America from 10 million YBP and by the [Early Pliocene](#) about 6-5 million YBP the coyote-like [Eucyon davisi](#)^[13] invaded Eurasia. In North America it gave rise to early Canis which first appeared in the [Miocene](#) (6 million YBP) in south-western USA and Mexico. By 5 million YBP the larger [Canis lepophagus](#) appeared in the same region.^[14] :p58

The canids that had emigrated from North America to Eurasia – [Eucyon](#), [Vulpes](#), and [Nyctereutes](#) – were small to medium-sized predators during the Late Miocene and Early Pliocene but they were not the top predators. The position of the canids would change with the arrival of Canis to become a dominant predator across the [Holarctic](#). The wolf-sized [C. chihuilensis](#) appeared in northern China in the Mid-Pliocene around 4-3 million YBP. This was followed by an explosion of Canis evolution across Eurasia in the Early Pleistocene around 1.8 million YBP in what is commonly referred to as the Wolf event. It is associated with the formation of the [Mammoth steppe](#) and continental glaciation. Canis spread to Europe in the forms of [C. arnensis](#), [C. eutruscus](#), and [C. falconeri](#).^[14] :p148 One study found that the diversity of the Canis group decreased by the end of the [Early Pleistocene](#) to [Middle Pleistocene](#) and was limited in Eurasia to the small wolves of the [Canis mosbachensis](#)–[Canis variabilis](#) group and the large hypercarnivorous [Canis \(Xenocyon\) lycaonoides](#).^[15]

Wolves, dogs and dingoes

The extant wolf-like canids

[Side-striped jackal](#)

[Black-backed jackal](#)

[Dog](#)

[Gray wolf](#)

[Coyote](#)

[African golden wolf](#)

[Golden jackal](#)

[Ethiopian wolf](#)

[Dhole](#)

[African wild dog](#)

[Phylogenetic relationships](#) between the extant wolf-like clade of canids.^[16] ^[17] See further:[Canid relationships](#)

Wolves, [dogs](#), and [dingoes](#) are [subspecies of Canis lupus](#). The original referent of the English word **wolf**, the [Eurasian wolf](#), is called C. l. lupus to distinguish it from other wolf subspecies, such as the [Indian wolf](#) (C. l. pallipes), the [Arabian wolf](#) (C. l. arabs), or the [Tibetan wolf](#) (C. l. chanco).

Some experts have suggested some subspecies of C. lupus be considered Canis species distinct from C. lupus. These include [Central Asia's Himalayan wolf](#), and the Indian wolf,[18] [19] as well as the [North America's red wolf](#) and [eastern wolf](#). [20]

The [dingo](#) (C. l. dingo), from [Australasia](#), and the [domestic dog](#) (C. l. familiaris) are also considered subspecies of C. lupus, although they are not commonly referred to or thought of as "wolves". [21]

Coyotes, jackals, and wolves

The [Gray wolf](#) (C. lupus), the [Ethiopian wolf](#) (C. simensis), and the [African golden wolf](#) (C. anthus) are three of the many Canis species referred to as "wolves"; however, all of the others are now extinct and little is known about them by the general public. One of these, the extinct [dire wolf](#) (C. dirus), has gained fame from the thousands of specimens found and displayed at the Rancho [La Brea Tar Pits](#) in [Los Angeles, California](#).

Canis species that are too small to attract the word "wolf" are called [coyotes](#) in the [Americas](#) and [jackals](#) elsewhere. Although these may not be more closely related to each other than they are to C. lupus, they are, as fellow Canis species, all more closely related to wolves and domestic dogs than they are to [foxes](#), [maned wolves](#), or other canids which do not belong to the genus Canis. The word "jackal" is applied to three distinct species of this group: the side-striped (C. adustus) and black-backed (C. mesomelas) jackals, found in sub-Saharan Africa, and the golden jackal (C. aureus), found across southwestern and south-central Asia, and [the Balkans](#).

While North America has only one small-sized species, the coyote (C. latrans), it has become very widespread, moving into areas once occupied by wolves. They can be found across much of mainland [Canada](#), in every state of the [contiguous United States](#), all of [Mexico](#) except the [Yucatán Peninsula](#), and the Pacific and central areas of [Central America](#), ranging as far as western [Panama](#).

African migration

Skulls of dire wolf (C. dirus), gray wolf (C. lupus), eastern wolf (C. lycaon), red wolf (C. rufus), coyote (C. latrans), African golden wolf (C. anthus), golden jackal (C. aureus) and black-backed jackal (C. mesomelas)

In 2015, a study of mitochondrial genome sequences and whole genome nuclear sequences of African and Eurasian canids indicated that extant wolf-like canids have colonised Africa from Eurasia at least 5 times throughout the Pliocene and Pleistocene, which is consistent with fossil evidence suggesting that much of African canid fauna diversity

resulted from the immigration of Eurasian ancestors, likely coincident with Plio-Pleistocene climatic oscillations between arid and humid conditions. When comparing the African and Eurasian golden jackals, the study concluded that the African specimens represented a distinct monophyletic lineage that should be recognized as a separate species, [Canis anthus](#) (African golden wolf). According to a phylogeny derived from nuclear sequences, the Eurasian golden jackal (Canis aureus) diverged from the wolf/coyote lineage 1.9 million years ago but the African golden wolf separated 1.3 million years ago. Mitochondrial genome sequences indicated the Ethiopian wolf diverged from the wolf/coyote lineage slightly prior to that. [22] :S1

Gallery

[Gray wolf](#) (*Canis lupus*) (includes [dog](#) and [dingo](#)).

[Eastern wolf](#) (*Canis lycaon*) (often includes *latrans* admixture)

[Red wolf](#) (*Canis rufus*) (includes *latrans* admixture)

[Coyote](#) (*Canis latrans*)

[Dire wolf](#) (*Canis dirus*) (extinct)

[African golden wolf](#) (*Canis anthus*)

[Golden jackal](#) (*Canis aureus*)

[Ethiopian wolf](#) (*Canis simensis*)

[Black-backed jackal](#) (*Canis mesomelas*)

[Side-striped jackal](#) (*Canis adustus*)

See also

- [List of Canis species](#)

References

[Wikispecies](#) has information related to: [Canis](#)

1. [Canis Linnaeus 1758](#) in [The Palaeobiology Database](#)
2. Linnæus, Carl (1758). [Systema naturæ per regna tria naturæ, secundum classes, ordines, genera, species, cum characteribus, differentiis, synonymis, locis. Tomus I](#) (in Latin) (10th ed.). Holmiæ (Stockholm): Laurentius Salvius. p. 38. Retrieved November 23, 2015.
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7. [Fossilworks website Canini](#)
8. [Fossilworks website Canis](#)
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RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

2017 MAR 26 PM 3:04

Fish and Game Commission
Valerie Ternini
Executive Director, Room 1320
1416 Ninth Street
Sacramento, CA 95814

February 25, 2017

Dear Ms. Ternini,

Earlier this month, I had the opportunity to substitute teach for Laura Honda at Manor Elementary School in Fairfax, California. I filled in for Ms. Honda because she was taking several of her students to the Fish and Game Department meeting to present arguments against hunting. When her students returned to class around lunch time, they presented their experience, and though they were quite proud of themselves for standing up for what they believe in, they were disappointed that the Fish and Game Commission will continue to allow hunting and trapping.

Three years ago, my own daughter was a presenter at a similar meeting. She had similar concerns as the current students have. *Hunting is wrong*. It allows humans to disregard the lives of living beings. Would you go into another city or town and trap and kill mothers and fathers because you liked their skin? Would you trap and kill moms and dads because you felt threatened even though *you* were raiding *their homeland*? Would you trap and kill children and babies because you felt they should not be allowed to grow up in their natural world?

It is beyond my understanding how the Fish and Game Department can possibly continue its support of murder. As humans we must evolve from the blindness of being okay with “dominating” other species, killing them (and often killing them cruelly), and doing whatever we want with the animals, plants, waters, and land for our own pleasure.

It is time that all humans stand up for those without voices—for the animals, the plants, the waters, and the earth—and that human beings say **ENOUGH! IT IS TIME NOW TO LIVE ALL TOGETHER**. Please help stop this continual murder. Please end this ongoing suffering—you have the power to bring peace. I was proud of my daughter for speaking up at your meeting three years ago, though I was very sad that nothing changed. I am proud of the students for not giving up and for speaking up again. However, I am deeply troubled that you continue to ignore the important message these students are giving you.

Please stop the murder of innocent animals. Please outlaw hunting.

Thank you very much,

mia laurence



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]

March 29, 2017

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

Ladies and Gentlemen:

RE: April 13, 2017, Agenda Item 2--Public Forum: Statute Compliance

Due to an exclusion of at least two written comments from the FGC's meeting documents (Binder), even though they were submitted before the comment deadline and followed FGC's instructions, we have grave concerns regarding transparency and compliance with laws that govern public agencies.

Underlying all our public agency transparency regulations and policies, a recurring theme is, that as frustrating as it may be, efficiency is not the top priority.¹ The Bagley-Keene Act reserves "a seat at the table" for the public, (§ 11120) and that includes the right to participate in the decision-making process.

When this "exclusion" issue was brought up at the March 15, 2017, FGC tele conf meeting during public forum (Agenda item 2), a number of reasons were given for not including all comments, such as: Small staff and budget, letters that are not relevant to any agenda item, multiple form letters (often thousands) that say exactly the same thing, all of which are available for the commissioners to come in and view between meetings. We understand the need to organize and summarize thousands of form letters in the Final Initial Statement of Reasons (FISOR), and to exclude letters that are irrelevant to the agenda items.² However, we submit that the law does not make exceptions to compliance for staff and budget limitations.

For the March 15, 2017, meeting, the Binder was only 46 pages, with four comment letters. The two that were excluded would not have burdened staff nor have added more than 2-3 pages to the Binder. If, as some legal scholars have suggested, defamatory comments may be excluded, then the one 5-page letter that was included with three pages of disparaging nonprofit bashing, that was not relevant to the agenda item, should have been a candidate for exclusion. Yet it was included while two others that were on topic were excluded.

Thus, the reasons stated by staff and the FGC for exclusion of the two comment letters in question, which were a far cry from being form letters, are unsatisfactory, insupportable, and possibly a violation of statute(s). With all due respect to staff, that does

¹ "A Handy Guide to The Bagley-Keene Open Meeting Act 2004, California Attorney General's Office, Intro, page 2. "If efficiency were the top priority, the Legislature would create a department and then permit the department head to make decisions."

² There have been times when public commenters have accidentally attached the wrong document, but these are obvious mistakes, not subject to staff judgment calls.

a tremendous job in organizing the Binder and creating time-saving links, a FGC employee should never have the authority to exclude any comment submissions simply because he/she decides the comment expresses the same position as another or many others. Public trust is at stake when unknown staff members become gatekeepers of public comments and apply their own filters to exclude some comments, but not others.

Whether it's the Bagley Keene Act (§ 11125.1.), the Brown Act, or CEQA, the public has a right to see what points others have made. "Obviously, a meeting would include a gathering where members were debating issues or voting on them. But a meeting also includes situations in which the body is merely receiving information. To the extent that a body receives information under circumstances where the public is deprived of the opportunity to monitor the information provided, and either agree with it or challenge it, the open-meeting process is deficient."³

In general, a record includes any form of writing or oral comments. When materials are provided to a majority of the body either before or during the meeting, they must also be made available to the public without delay, unless the confidentiality of such materials is otherwise protected.⁴ The FGC encourages comments and hopefully weighs all input in their decision making. If relevant, timely submitted public comments are not included in the Binder, not only may commissioners be deprived of pertinent information, but the public is deprived as well.

With the California Environmental Quality Act (CEQA), the importance of public participation as an element of the process is both declared and widely accepted. In *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural, Assoc.* (1986) 42 Cal. 3d 929, the court emphasized that the public holds a "privileged position" in the CEQA process "based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making."⁵

"(e) This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."⁶

We urge the FGC to develop and consistently implement a clear policy defining staff's authority and criteria for determining which public comment letters are included and/or excluded from the Binder when those comments are submitted in good faith, a timely manner, and pertain to an agenda item.

Thank you for considering our views,



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

³ Ibid. page 5.

⁴ Ibid., page 10.

⁵ CEQA, Article 13, Section 15201, Public Participation,
<http://resources.ca.gov/ceqa/guidelines/art13.html>

⁶ IBID, Sec 15204, Focus of Review

From: Francis Coats
Sent: Thursday, March 30, 2017 4:44 PM
To: FGC
Subject: Considering public rights to use navigable waters and to fish.

To the California Fish and Game Commission:

It appears that the commission overlooks generally applicable laws when adopting regulations governing public use of wildlife areas and ecological reserves. For example.

1. Sections 1528 and 1745 require the Commission to encourage multiple recreational use including boating, but the regulations severely limit access across administered lands for boating.
2. The navigable servitude law gives the public the right to be on the navigable waters including the temporarily dry banks below high water mark and there engage in lawful recreational activities, but the regulations severely limit this use.
3. Article I section 25 gives the public the right to fish on and from State owned land, but the regulations limit this use. Particularly bothersome are rules unnecessarily restricting crossing administered lands to get to navigable waters.
4. Article I section 25 also requires the reservation of the right to fish in the people upon the transfer of state-owned land, but it is not clear that the commission complies. See *State v. San Luis Obispo Sportsmans' Assc.* 1978 22 Cal. 3d 440.
5. At least at the Feather River Wildlife Area, DFW does not post signs identifying the area, does not mark the boundaries, and does not disclose the existence of some of the units on it website (Morse Road Unit, Marysville Unit).
6. Under the public trust doctrine, the Commission is obligated to avoid adversely affecting public trust uses whenever feasible. Where rules impair access across administered lands for access to navigable waters, the desirability of permitting access must be considered, interference must be avoided whenever feasible, this consideration must be public, and the decision making process must be documented. See *San Francisco Baykeeper, Inc., v. State Lands Commission* 2015.

Please consider these matters, in a public manner, and document that consideration when making decisions which may adversely affect the public's rights to access and use the navigable waters/public trust lands, and the right to fish in both navigable waters and other waters.

Francis Coats,
;

From: [Christine Lynn Harris](#)
To: [FGC](#)
Cc: info@projectcoyote.org; [Hoodline Tips](#); [ABC7 7 ON YOUR SIDE](#) [Jerry Brown](#); [Nancy Pelosi](#); [Kalama Harris](#); [Edwin Lee](#); board.of.supervisors@sfgov.org; [Craig Downer](#); [Channel 2 KTVU](#); [KCBA NEWS](#)
Subject: Wolves, Wildlife, and Preservation
Date: Thursday, April 13, 2017 2:45:21 PM

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
EMAIL: fgc@fgc.ca.gov

Hello California Fish and Game Commission,

Please stop trapping the wolves, these majestic sentient beings, our beloved wild life.

Trapping is very cruel, inhumane, and we would not want someone to do this to us, as

I am sure it is very painful and the wolves suffer; all animals suffer, just like us.

Please stop killing the wolves, they are part of the ecosystem, and have a right to life just like humans.

We must stop thinking as a human species that we are better than animals, and do anything to them, this is not true, they are one of us, we are one of them. We must coexist with wild life, we are encroaching on their land and food, not the other way around.

Please find it in your hearts to do the ethical and moral actions towards wild life.

"We need nature, nature does not need us." - Harrison Ford

Best Wishes,
Christine Harris

<http://www.projectcoyote.org/>



February 10, 2017

California Fish and Game Commission
1416 Ninth Street
Sacramento CA 95814

Commissioners;

The Cultured Abalone Farm, LLC (TCAF) kelp bed lease K-007 of kelp bed number 208 is expiring on March 31, 2017. TCAF would like provide written notice that it **would like to renew** the lease of kelp bed 208 for a new term.

Information required for the FGC consideration of a renewal of kelp bed lease K-007 is presented as follows:

The designation and description of Bed 208 is as follows (taken from Title 14, Section 165.5(j):

Bed 208. Leasable. 2.61 square miles. This bed extends from Point Estero to Von Helm Rock, defined as the area bounded by the mean high tide line and straight lines connecting the following points in the order listed except where noted:

35°27.621' N. lat. 121°00.173' W. long.;

35°24.609' N. lat. 121°00.704' W. long.; thence northwestward along the three nautical mile offshore boundary to

35°30.694' N. lat. 121°08.680' W. long.; and

35°32.904' N. lat. 121°06.046' W. long.

Bed 208 overlaps with the White Rock State Marine Conservation Area, and therefore any harvest that would take place within the portion that is found within that area (as described below, taken from Title 14, Section 632 (b)(90)) would conform with Section 165 rules indicated below:

(90) White Rock State Marine Conservation Area.

(A) This area is bounded by the mean high tide line and straight lines connecting the following points in the order listed:

35° 32.850 ' N. lat. 121° 05.855 ' W. long.;

35° 32.850 ' N. lat. 121° 06.700 ' W. long.;

35° 30.500 ' N. lat. 121° 05.000 ' W. long.; and

35° 30.500 ' N. lat. 121° 03.423 ' W. long.

*(B) Area restrictions defined in subsection 632(a)(1)(C) apply, with the following specified exceptions: the commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) is allowed under the following conditions:*

- 1. A kelp harvester with a valid license issued pursuant to Section 165 and holding a valid lease to Administrative Kelp Bed 208 may take no more than 125 tons of kelp from the portion of Administrative Kelp Bed 208 within the White Rock State Marine Conservation Area in any calendar month.*
- 2. Duplicate landing records must be kept on board the harvest vessel in accordance with the requirements of Section 165.*

The Cultured Abalone Farm LLC currently has on file with CA Fish and Game Commission a Commission approved plan for mechanical harvest of kelp. Our kelp harvesting vessel, F/V Ocean Harvest, FG06640, is fully compliant with kelp harvesting regulations.

The Cultured Abalone Farm LLC has a current harvesting deposit balance of \$3570 on file with the CA Department of Fish and Wildlife.

I look forward to continuing work with the CA Fish and Game Commission and Department of Fish and Wildlife for our collective sustainable management and harvest of *Macrocystis* kelp.

Thank you,
Douglas Bush, Managing Member

From: [Cynthia Harland](#)
To: [FGC](#)
Subject: New oyster leases on Tomales Bay
Date: Sunday, February 26, 2017 12:07:19 PM

Dear Ms. Termini,

We live in Marshall, CA on Tomales Bay. We would like to register our opposition to any new oyster farming leases until the Oyster Farming Legacy trash and debris is cleaned up. It's a disgrace that the beauty of this unique natural gift is significantly degraded by the past and current practices of oyster, clam, and mussel cultivation. Over 140 years of aquaculture have left a disturbing, disgraceful legacy in Tomales Bay.

It makes sense that before any new leases are approved, the California Fish & Game Commission and the California Department of Fish & Wildlife should clean up the tons of debris littering the Bay.

Sincerely,
Cynthia & John Harland

From: [Mike Wright](#)
To: diane.Windham@noaa.gov; Lovell.Randy@Wildlife; [FGC](#)
Subject: Fwd: New shellfish lease application on Tomales Bay
Date: Thursday, March 23, 2017 10:34:43 PM

Hi,

My name is Michael Wright and I am emailing you with concerns about the proposed shellfish lease on the north end of Tomales Bay.

First, I would like to talk about the current leases on the bay. While I do enjoy some of the oysters grown by Hog island oyster co, I don't like them enough to let more of the bay be turned into leases for private individuals to profit from. This water / land is protected for ALL people by the public trust doctrine. It is also protected for animals too. Not just one person or family should be able to profit from the lands bounty at the expense of the rest of the public.

1st main concern

My wife and I are avid paddlers. Tomales Bay is an amazing place for kayaking and general boat enjoyment. That is, until you paddle around the areas where the oyster farms are. The areas where the oyster farms are located are also some of the safest and best weather and tide protected areas for boaters to explore. The mess left behind from abandoned and current operations are not pleasant and very destructive. There is trash everywhere. But with that said, I can somewhat overlook this because on the north side of Toms point all the way to Dillon beach, there are beautiful, natural beaches clear of any shellfish operations for the public's enjoyment. Well this is exactly the area where the new lease is being proposed. Please.....don't allow one individual's money making operation, spoil this part of the bay for the rest of us. If you have ever boated the shoreline where the current leases are, you will find difficult, dangerous and unpleasant conditions.

Next thought....the fish and wildlife.

Tomales Bay is a delicate ecosystem. What makes Tomales bay very cool and appealing to wildlife is the eel grass beds. Many animals rely on these to survive. As a matter of fact, the Tomales bay eel-grass beds are so delicate, much of the northern part of the bay is a no anchor zone for boats. This is to protect the remaining eel grass in the bay. If you look at where the new lease is proposed, these are some of the last few eel grass beds left in the bay. Allow this lease and the eel grass is gone. If the public is not allowed to anchor their boats, how does it make sense to let someone do as they please with the sea floor. Just take a trip to the bay and see what the floor of the bay is like around the oyster leases. Its barren, polluted and is altered from its natural state. Not to mention that the gentleman wants to grow geoduck clams on the lease. This is even more destructive than the oyster farming. That totally destroys the area where geoduck farming takes place.

Last very important reason that ties into the last point,

Pacific Black Brant.....Tomales bay plays host to thousands of brant every year. I love watching and hunting these birds. The reason they come to Tomales bay????? Eel Grass!!!!!! There are only a few places left in California where enough eel grass grows for the Brant to feed on. Tomales bay is one of them. Few Brant hang out in the area south of Toms point where the current oyster leases are. Thousands hang

out to the north of toms point. Put new oyster leases there and kill the remaining eel grass? The brant disappear.

Final thought, more people would be harmed by the new lease than there are people who would benefit from it.

Who benefits from the lease...the owner and the family.

Who benefits from not allowing it....

Boaters, hunters, bird watchers, campers, fisherman, nature lovers, outdoor enthusiast, photographers, plants, and animals.

Please submit my objection to the new lease to whom it my concern.

I would like to be notified when upcoming Fish & Game Commission meetings will occur so that you could attend or at least submit this letter. Can any of you give me a heads up when the meetings will happen?

Thanks,
Michael Wright



April 13, 2017

Re: Lease application for shellfish aquaculture in Tomales Bay

Mr. Craig Shuman
Director, Marine Region, California Department of Fish and Wildlife

Ms. Valerie Termini
Executive Director, California Fish and Game Commission

Ms. Susan Ashcraft,
Marine Advisor, California Fish and Game Commission

Dear Mr. Shuman, Ms. Ashcraft and Ms. Termini,

We write in regard to a new application for an approximately 45-acre lease for oyster and geoduck farming in Tomales Bay included in the California Fish & Game Commission's consent calendar for its February 2017 meeting.¹ We appreciate the thoughtful manner in which the Commission has addressed aquaculture permits in the past and urge the Commission to require a deliberate, fact-based planning process be implemented for Tomales Bay before any new or expanded aquaculture programs are permitted.

Tomales Bay's intertidal and subtidal areas have extraordinary resource values for birds, commercial fish and herring. In sum, the bay is too important for an ad hoc approach to aquaculture permitting that may undermine the Commission's public trust obligations for protection of natural resources, special status species, and recreation. Therefore, we oppose the Commission approving any new aquaculture lease in Tomales Bay unless and until a maximum, permanent footprint and location for aquaculture is identified and adopted by the Commission. Toward that end, we constructively suggest that at its April meeting the Commission take the following steps:

- Adopt a motion to request staff to work with partner agencies to initiate a marine spatial planning exercise to identify a set of aquaculture siting alternatives for the Commission to consider at a later meeting;
- Note that applications for new or expanded aquaculture will be evaluated following the completion of that spatial planning exercise;
- Task staff with immediately reaching out to entities that would be good candidates for the marine spatial planning exercise, e.g. the Ocean Science Trust and/or Ocean Protection Council; and

¹ http://www.fgc.ca.gov/meetings/2017/Feb/exhibits/SS_0209_Item_27_SAShellfish.pdf

- Include a discussion of this issue at the 2017 meeting of the Marine Resources Committee with the goal of providing recommendations for the full Commission.

We appreciate the Commission and Department's work to ensure existing aquaculture leases avoid farming within 10 feet of eelgrass – protecting this vital and rare habitat - and your work conducted in collaboration with local stakeholders to remediate issues associated with abandoned debris.

However, in regard specifically to birds, known impacts of these farming operations to birds in the bay include avoidance of farmed areas by most shorebirds², and disturbance to waterbirds and Pacific black brant³, a California Species of Special Concern, from vessel traffic associated with farm operations. Any new lease application must consider impacts to birds from disturbance and habitat loss or degradation.

Tomales Bay's importance was recognized in 2002 by the **International Ramsar Convention**, which designated the site as a "Wetland of International Significance." There are only 37 Ramsar sites in the United States.⁴ Tomales Bay is a **Global Important Bird Area** and of all the Pt. Reyes wetlands, it consistently supports the highest numbers of wintering and migrant waterbirds. Up to 20,000 shorebirds spend the winter, and an unknown additional number use the bay during migration in the spring and fall. Surveys have documented exceptionally large numbers of bufflehead and brant, which represent 12% and 31%, respectively, of statewide wintering populations.⁵

Remaining intertidal wetlands such as those in Tomales Bay are critical for birds. Over 90% of California's historical two million hectares of wetlands has been lost. Stralberg et al. (2011)⁶ found in California "estuarine habitats including eelgrass, tidal flats and tidal marsh are the most limited in spatial extent, yet support the highest densities of shorebirds and waterbirds." The study's lead author recently confirmed that these habitats can be considered the highest priority for protection from further loss of even small acreages from habitat degradation and conversion, and disturbance.

Black brant are showing signs of stress at the population level^{7,8}, and dramatic decreases in eelgrass areal extent in important brant migratory areas including Morro Bay and San Quintin Bay highlight the importance of evaluating the cumulative impacts to this species from any new farm development.^{9,10,11} Brant and other waterbirds using Tomales Bay, such as canvasback, teal, and northern pintail, are important recreational species for California's recreational hunting community.

² Kelley, J., J. Evens, R. Stallcup, and D. Wimpfheimer. 1996. Effects of aquaculture on habitat use by wintering shorebirds in Tomales Bay, California. *California Fish and Game* 82(4): 160-174.

³ Kelley, J. and J. Evens. 2013. Boating Disturbance to Waterbirds in California Estuaries. ACR Technical Report 89-12-6

⁴ <https://www.fws.gov/international/wildlife-without-borders/ramsar-wetlands-convention.html>

⁵ Important Bird Areas in California. National Audubon Society. <http://netapp.audubon.org/iba/Reports/161>

⁶ Stralberg, R. Cameron, M. Reynolds, C. Hickey, K. Klausmeyer, S. Busby, L. Stenzel, D. Shuford, G. Page. 2011. Identifying habitat conservation priorities and gaps for migratory shorebirds and waterfowl in California. *Biodiversity Conservation* 20: 19-40

⁷ Summary Opinion and Recommendations for Pacific Flyway Brant Management. 13 December 2016. Aaron Christ, Biometrician, USFWS Maritime National Wildlife Refuge, Alaska Region ; Josh Dooley, Wildlife Biologist, USFWS Migratory Bird Management, Headquarters Region ; David Koons, Associate Professor, Department of Wildland Resources, Utah State University; Jim Leafloor, Biologist, Canadian Wildlife Service, Environment Canada

⁸ Leach, A. et al. 2017. Survival and recovery rates of Black Brant from arctic and subarctic breeding areas. *The Journal of Wildlife Management*. In review.

⁹ Merkel & Associates. 2014. San Francisco Bay Eelgrass Inventory. Report for the National Marine Fisheries Service. Santa Rosa

¹⁰ Simancas, J.E. 2013. Assessment of the quality eelgrass habitat for black brant, *Branta bernicla nigricans*, during the non-breeding season of San Quintin, Baja California, Mexico. Master's Thesis. CICESE, Ensenada, Baja California

¹¹ Pacific Watershed Associates. 2015. Preliminary Eelgrass (*Zostera marina*) Mapping and Habitat Characterization, North Humboldt Bay, California. For: Humboldt Bay Harbor, Recreation, and Conservation District Mariculture Pre-Permitting Project, Eureka, California. Pg. 14.

In regard to shorebirds, intertidal mudflats are critical for shorebirds on the Pacific Flyway, and the new lease application overlaps with a key foraging areas in the bay. Kelly (2001) studied shorebirds during the winter only (excluding spring and fall migration, for which there are no readily available published studies) and found that the “northeast shoreline from Sand Point north to Vincent’s Landing also supported relatively high abundances of several species.” Kelly (2001) also notes that “foraging and roosting shorebirds at the northern end of the bay are vulnerable to direct disturbance from concentrated recreational use.” This site-specific information speaks to the importance of a spatial planning process to avoid further degrading or making unavailable feeding and resting habitat to shorebirds.

Key threats to shorebirds include disturbance and habitat loss in wintering and migration areas on the Pacific Flyway. The **2017 Pacific Americas Shorebird Conservation Strategy**¹², a collaboration among numerous binational agencies, academic institutions, and NGOs, notes “the habitats used by shorebirds have been altered dramatically in the last century across the Western Hemisphere and indeed around the world (Hassan *et al.* 2005). Human disturbance is recognized as a key threat in shorebird conservation and recovery plans, as well as in many published studies (see Brown *et al.* 2001; NFWF 2015), and received a high overall threat rating in this Strategy. Human disturbance does not typically destroy habitat but causes disruption to breeding and nonbreeding shorebirds. This, in turn, can have consequences on reproductive success and survivorship (Gill 2007). Shorebirds can exhibit the inability to gain weight and build fat reserves required for long-distance migration because of exclusion, interrupted access or changes in timing of access to food resources or roosting locations (Lafferty 2001).”

The Plan further notes that “even small losses in the extent or quality of available feeding habitat for shorebirds could result in proportionally greater decreases in some wintering shorebird populations,” and identifies the high priority to “protect, maintain, restore and enhance breeding habitats for species of highest conservation concern and at sites of high nonbreeding shorebird concentrations.”

We thank you for your consideration of this issue, and we look forward to Commission, Department and partner agency action toward ensuring protection of birds and other natural resource protection in Tomales Bay.

Sincerely,



Mike Lynes
Director of Public Policy



Anna Weinstein
Marine Program Director

¹² Senner, S. E., B. A. Andres and H. R. Gates (Eds.). 2016. Pacific Americas shorebird conservation strategy. National Audubon Society, New York, New York, USA. Available at: <http://www.shorebirdplan.org>.

TO: Bureau of Land Management, California Dept. of Fish and Wildlife, Fish & Game Commission, Mono County Board of Supervisors

Dear Sirs,

December, 2016

The Mono County Fisheries Commission (MCFC) is concerned about our wild trout populations in the Eastern Sierra especially considering the introduction of triploid stocked Rainbow trout by CDFW. We are supportive of seeing Lahontan Cutthroat Trout (LCT) being populated into Lower Slinkard Creek in the Walker Basin.

The current strategy in the Walker Basin has been to secure and maintain the existing headwater populations of LCT and to expand the LCT habitat specifically on Lower Slinkard Creek. Since 2003, a series of fires resulted in 1.25 miles of brook trout occupation and since. CDFW has attempted to obtain funding and crews to remove the remaining brook trout from Lower Slinkard Creek. Crews have attempted to remove the brook trout with blasting and electroshocking, spending well over \$100,000 and the project is nowhere near complete. Approximately 3 miles of stream need to have brook trout removed as well as re-surveys of previously treated streams.

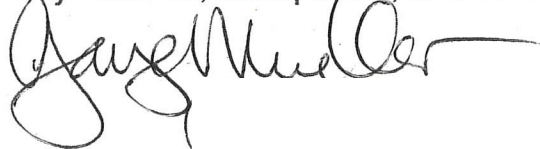
CDFW has collaborated to try other methods of eradication of the brook trout in the past decade and feels the most cost effective solution is to treat the waters with rotenone. Through the mid-1990's, active management using rotenone has restored four headwater population. Slinkard Creek, which flows through the CDFW Little Antelope Wildlife Area and BLM lands, was the first water to be treated with rotenone in the Walker Basin for LCT, but due to the presence of an effective barrier on State land, only one mile of stream was treated.

Mono County Fisheries Commission is requesting that BLM and CDFW allow the use of rotenone to restore a native population of LCT in Lower Slinkard Creek. The treatment would be timed for late Fall when water flows are lower with an attempt to conduct 2 treatments in the same season. Detoxification with potassium permanganate will occur but the detoxified water will not reach the West Walker River, as most of the whole of Slinkard Creek is diverted into agricultural ditches. Many LCT currently in the lower section of Slinkard Creek will be removed prior to treatment.

MCFC Is committed to seeing the sustainability of our LCT population. We have funded a study by Trout Unlimited and CDFW to analyze the spawning of the spring LCT in Rush Creek. Working with TU and Cal Trout, we hope to continue this study to the spawning streams in McGee Creek. And we are watching the development of a private LCT Hatchery in Smith Valley, Nevada.

Please consider our request to use rotenone to remove brook trout from wild trout LCT waters of Lower Slinkard Creek as we feel CDFW's biologists have devoted decades of study on the most effective way to sustain wild LCT populations.

Gaye Mueller, Chairperson, MONO COUNTY FISHERIES COMMISSION



2017 JAN 23 AM 7:30
RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION
MLS