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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA October 11-12, 2017

SpringHill Suites by Marriott
900 El Camino Real, Atascadero, CA 93422

The meeting will be live streamed at www.cal-span.org

NOTE: See important meeting deadlines and procedures at the end of the agenda. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

Invitation: The Commission invites interested stakeholders to join a discussion on October 11 at 3:00 p.m. (or following completion of Day 1 of the Commission meeting agenda) at SpringHill Suites to explore what may contribute to resiliency and long-term prosperity of fishing communities in California. The discussion is part of an ongoing dialogue to help clarify common concerns through the state and help inform future Commission action.

DAY 1 – OCTOBER 11, 2017, 8:30 A.M.

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. Tribal Committee
 - (A) October 2017 meeting summary
 - I. Receive and adopt recommendations
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

4. Wildlife Resources Committee
 - (A) September 2017 meeting summary
 - I. Receive and adopt recommendations
 - (B) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
5. Authorize publication of notice of intent to adopt regulations concerning the incidental take of tricolored blackbird during candidacy period (Section 749.9, Title 14, CCR)
6. Discuss proposed changes to sport fishing regulations (Sections 1.05, 1.11, 1.18, 1.61, 1.74, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50 and 8.00; repeal Section 1.60; and add Section 2.05, Title 14, CCR)
7. Discuss proposed changes to regulations for the use of GPS-equipped dog collars and treeing switches for dogs used to pursue/take mammals or for dog training (Section 265, Title 14, CCR)
8. Discuss and adopt proposed regulations for the commercial use and possession of native rattlesnakes for biomedical and therapeutic purposes (Sections 43, 651 and 703; add Section 42; Title 14, CCR)
9. Consider the petition, Department's evaluation report, and comments received to determine whether listing Cascades frog (*Rana cascadae*) as endangered or threatened under the California Endangered Species Act may be warranted (Pursuant to Section 2074.2, Fish and Game Code)
 Note: If the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.
10. Discuss staff proposal for stakeholder engagement on American bullfrog and non-native turtle statutes and regulations
11. Department update on Ballona Wetlands Ecological Reserve
 - (A) County parking leases
 - (B) Draft environmental impact report/environmental impact report
12. Non-marine items of interest from previous meetings
13. Non-marine petitions for regulation change from previous meetings
 - (A) Action on petitions for regulation change – none scheduled at this time
 - (B) Action on pending regulation petitions referred to staff and the Department for review
 - I. Petition #2015-009 to raise commercial trapping license fees
 - II. Petition #2016-028 to clarify fire service members authorized to validate deer and elk tags

14. Non-marine, non-regulatory requests from previous meetings
15. Department informational items (non-marine)
 - (A) Director's report
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - (C) Law Enforcement Division
 - (D) Other
16. Announce results from Executive Session

Recess

DAY 2 – OCTOBER 12, 2017, 8:30 A.M.

Call to order/roll call to establish quorum

17. 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)

CONSENT ITEM

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|---|
| <ol style="list-style-type: none"> 18. Receive and approve request to transfer California Halibut Bottom Trawl Vessel Permit No. BT0002 from Bruce A. Bramel to Michael A. Peery |
|---|

19. Marine Resources Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics
20. Adopt proposed changes to commercial nearshore and deeper nearshore fishing permit and appeal regulations
 (Sections 150, 150.02, 150.03, and 705, Title 14, CCR)
21. Adopt proposed commercial take of sea cucumber regulations
 (Add Section 128, Title 14, CCR)
22. Discuss proposed changes to recreational abalone regulations
 (Section 29.15, Title 14, CCR)
23. Discuss proposed changes to commercial sea urchin regulations
 (Sections 120.7 and 705, Title 14, CCR)
24. Discuss and adopt proposed commercial fisheries landing requirements regulations
 (Add Section 197, Title 14, CCR)

25. Discuss and adopt a resolution on the National Marine Fisheries Service rejection of hard caps for the swordfish drift gillnet fishery
26. Marine items of interest from previous meetings
 - (A) Discuss the Commission's role related to desalination plants and living marine resources
 - (B) Staff report regarding razor clam domoic acid levels
27. Marine petitions for regulation change from previous meetings
 - (A) Action on petitions for regulation change
 - I. Petition #2017-004 to authorize commercial access fishing opportunity for market squid in northern California
 - II. Petition #2017-006 to add European green crab to list of restricted species
 - (B) Action on pending regulation petitions referred to staff and the Department for review
28. Marine non-regulatory requests from previous meetings
 - (A) Action on non-regulatory requests
 - (B) Action on non-regulatory requests referred to staff and the Department for review
29. Department informational items (marine)
 - (A) Director's report
 - (B) Marine Region
30. Other informational items
 - (A) Staff report
 - (B) Legislative update and possible action
 - (C) Federal agencies report
 - (D) Other
31. Discuss and act on Commission administrative items
 - (A) Next meetings
 - (B) Rulemaking calendar updates
 - (C) New business
 - (D) Other

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

Pursuant to the authority of Government Code Section 11126(a)(1), (c)(3), and (e)(1), and Section 309 of the Fish and Game Code, the Commission will meet in closed Executive Session. The purpose of this Executive Session is to consider:

- (A) Pending litigation to which the Commission is a Party
 - I. California Fish and Game Commission v. Central Coast Forest Assoc. and Big Creek Lumber Company (Coho listing, south of San Francisco)
 - II. Tri-State Crab Producers Assoc v. California Department of Fish and Wildlife; California Fish and Game Commission (Dungeness Crab “Fair Start” provision in section 8279.1 of the Fish and Game Code).
 - III. Dennis Sturgell v. California Fish and Game Commission, California Department of Fish and Wildlife, and Office of Administrative Hearings (revocation of Dungeness crab vessel permit No. CT0544-T1)
 - IV. Kele Young v. California Fish and Game Commission, et al. (restricted species inspection fee waiver)
 - V. Public Interest Coalition v. California Fish and Game Commission (California Environmental Quality Act)
 - VI. California Cattlemen’s Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
 - VII. Center for Biological Diversity and Project Coyote/Earth Island Institute v. California Fish and Game Commission and California Department of Fish and Wildlife (trapping fees)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Take action on the appeal by John M. Becker regarding Sea Urchin Diving Permit No. LO3032
 - II. Take action on the appeal by the Estate of Kevin L. Clifton regarding Salmon Vessel Permit No. SA0633

**CALIFORNIA FISH AND GAME COMMISSION
2017 AND 2018 MEETING SCHEDULE**

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations.

| Meeting Date | Commission Meetings | Committee Meetings | Other Meetings |
|---------------------|---|---|---|
| October 11 | | | Coastal Fishing Communities Public Meeting SpringHill Suites by Marriott 900 El Camino Real Atascadero, CA 93422 |
| October 18 | | | Coastal Fishing Communities Public Meeting E.P. Foster Library 651 East Main Street Ventura, CA 93001 |
| November 8 | | | Coastal Fishing Communities Public Meeting Middlebury Institute of International Studies at Monterey 460 Pierce Street Monterey, CA 93940 |
| November 9 | | Marine Resources Marina Branch Public Library 190 Seaside Circle Marina, CA 93933 | |
| December 5 | | | Coastal Fishing Communities Public Meeting Handlery Hotel 950 Hotel Circle North San Diego, CA 92108 |
| December 6-7 | Handlery Hotel 950 Hotel Circle North San Diego, CA 92108 | | |
| 2018 | | | |
| January 11 | | Wildlife Resources Santa Rosa or Sacramento | |
| February 6 | | Tribal Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814 | |

| Meeting Date | Commission Meetings | Committee Meetings | Other Meetings |
|----------------|--|---|----------------|
| February 7-8 | Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814 | | |
| March 6 | | Marine Resources Petaluma | |
| March 15 | Teleconference — Arcata, Napa, Sacramento, Los Alamitos, and San Diego | | |
| April 12 | Teleconference — Arcata, Napa, Sacramento, Los Alamitos and San Diego | | |
| April 18-19 | Ventura | | |
| May 17 | | Wildlife Resources Los Alamitos | |
| June 19 | | Tribal Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814 | |
| June 20-21 | Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814 | | |
| July 17 | | Marine Resources San Clemente | |
| August 22-23 | North Coast | | |
| September 20 | | Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814 | |
| October 16 | | Tribal San Joaquin Valley | |
| October 17-18 | San Joaquin Valley | | |
| November 14 | | Marine Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814 | |
| December 12-13 | Los Angeles or San Diego | | |

OTHER MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 9-12, 2018, Tampa, FL

Pacific Fishery Management Council

- November 14-20, 2017, Costa Mesa, CA
- March 7-14, 2018, Rohnert Park, CA
- April 4-11, 2018, Portland, OR
- June 6-14, 2018, Spokane, WA
- September 5-12, 2018, Seattle, WA
- November 1-8, 2018, San Diego, CA

Pacific Flyway Council

- March 2018
- August 2018

Western Association of Fish and Wildlife Agencies

- January 3-8, 2018, San Diego, CA
- July 12-17, 2018, Eugene, OR

Wildlife Conservation Board

- November 30, 2017, Sacramento, CA
- February 2018, Sacramento, CA
- May 2018, Sacramento, CA
- August 2018, Sacramento, CA
- November 2018, Sacramento, CA

IMPORTANT COMMISSION MEETING PROCEDURES INFORMATION

WELCOME TO A MEETING OF THE CALIFORNIA FISH AND GAME COMMISSION

This is the 147th 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, 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; **delivery** to Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814; or **hand-deliver to a Commission meeting**. Materials provided to the Commission may be made available to the general public.

COMMENT DEADLINES

The **Written Comment Deadline** for this meeting is **5:00 p.m. on September 28, 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 **noon on October 6, 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.

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

All electronic presentations must be submitted by the **Late Comment Deadline** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov.
2. All electronic formats must be Windows PC compatible.
3. It is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.
4. A data projector, laptop and presentation mouse will be available for use at the meeting.

CONSENT CALENDAR

A summary of all items will be available for review at the meeting. Items on the consent calendar are generally non-controversial items for which no opposition has been received and will be voted upon under single action without discussion. Any item may be removed from the consent calendar by the Commission upon request of a Commissioner, the Department, or member of the public who wishes to speak to that item, to allow for discussion and separate action.

LASER POINTERS may only be used by a speaker during a presentation; use at any other time may result in arrest.

SPEAKING AT THE MEETING

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

1. Speakers will be called in groups; please line up when your name is called.
2. When addressing the Commission, give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.

- b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **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.