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STATE OF CALIFORNIA
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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

REVISED* MEETING AGENDA **December 6-7, 2017**

Handlery Hotel San Diego
950 Hotel Circle North, San Diego, CA 92108

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

* This agenda is revised to add a new agenda item 21, with subsequent items renumbered; agenda items 13(A), 25(B), and 28(B) are revised.

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 December 5 at 6:00 p.m. at the Handlery Hotel San Diego to explore what may contribute to resiliency and long-term prosperity of coastal 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 – DECEMBER 6, 2017, 8:30 AM

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)

CONSENT ITEM

3. Approve proposed amendments to Commission Designated Wild Trout Waters Policy (Pursuant to Section 1727, Fish and Game Code)

4. Tribal Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

5. Wildlife Resources Committee
 - (A) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

6. Adopt 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)

7. Adopt 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)

8. Discuss proposed regulations concerning the incidental take of tricolored blackbird during candidacy period (Section 749.9, Title 14, CCR)

9. Authorize publication of notice of intent to amend Klamath River Basin salmon sport fishing regulations (Subsection 7.50(b)(91.1), Title 14, CCR)

10. Authorize publication of notice of intent to amend Central Valley salmon sport fishing regulations (Subsections 7.50(b)(5), (b)(68) and (b)(156.5), Title 14, CCR)

11. Authorize publication of notice of intent to amend waterfowl hunting regulations (Section 502, Title 14, CCR)

12. Non-marine items of interest from previous meetings
 - (A) Receive the Department's update on its trapping costs analysis to assist the Commission in a trapping license fees determination
 - (B) Other

13. Non-marine petitions for regulation change from previous meetings
 - (A) Action on petitions for regulation change
 - I. Petition No. 2017-008 Neonicotinoid pesticides on Department lands
 - II. Petition No. 2017-009 County of Los Angeles parking lease, Ballona Wetlands Ecological Reserve
 - (B) Action on pending regulation petitions referred to staff and the Department for review
 - I. Petition No. 2015-013 San Felipe Wildlife Area

14. Non-marine, non-regulatory requests from previous meetings
 - (A) Action on non-regulatory requests
 - (B) Action on pending non-regulatory requests referred to staff and the Department for review – none scheduled at this time
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 – DECEMBER 7, 2017, 8:30 AM

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 ITEMS

18. Receive and approve request to transfer California Halibut Bottom Trawl Vessel Permit No. BT0010 for F/V *San Giovanni* (FG06337) from Billie Elaine Pennisi to Elizabeth Pennisi-Nozicka
 (Pursuant to Fish and Game Code Section 8494)
19. Approve lease for The Cultured Abalone Farm, LLC to harvest kelp in Bed No. 26
 (leasing of the kelp bed was previously approved by the Commission)
 (Pursuant to Fish and Game Code Section 6700)

20. Marine Resources Committee
 - (A) November 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
21. Department update on development of a red abalone fishery management plan
 (Pursuant to Fish and Game Code Section 7075, et seq.)

22. Adopt proposed changes to recreational abalone regulations
(Section 29.15, Title 14, CCR)
23. Adopt proposed changes to commercial sea urchin regulations
(Sections 120.7 and 705, Title 14, CCR)
24. Update on process to auto-conform state recreational fishing regulations to federal regulations pursuant to Section 1.95
(Section 1.95, Title 14, CCR)
 - (A) Recreational ocean salmon fishing for April 2018
 - (B) Recreational ocean salmon fishing for May-November 2018
 - (C) Recreational Pacific halibut fishing
25. Santa Barbara Mariculture
 - (A) Update on application for new state water bottom lease for aquaculture adjacent to existing State Water Bottom Lease No. M-653-02
 - (B) Approve extension of State Water Bottom Lease No. M-653-02 for six months
26. Discussion of recent action by the Department director to close commercial spiny lobster fishery near Santa Cruz Island and Anacapa Island due to elevated levels of domoic acid
(Pursuant to Subsection 5523(a)(2), Fish and Game Code)
27. Marine items of interest from previous meetings
 - (A) Staff report regarding domoic acid levels in razor clams and Dungeness crab
 - (B) Other
28. Marine petitions for regulation change from previous meetings
 - (A) Action on petitions for regulation change
 - I. Petition No. 2017-010 Nearshore trap endorsements
 - (B) Action on pending regulation petitions referred to staff and the Department for review
 - I. Petition No. 2017-005 Non-transferable pink shrimp trawl permits
29. 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 – none scheduled at this time
30. Department informational items (marine)
 - (A) Director's report
 - (B) Marine Region

31. Other informational items

- (A) Staff report
- (B) Legislative update and possible action
- (C) Other

32. Discuss and act on Commission administrative items

- (A) Next meetings
- (B) Rulemaking timetable updates and 2018 rulemaking calendar
- (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. Keith Robert Walker vs. Kamala Harris et al. (suction dredging)
- 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. California Cattlemen's Association and California Farm Bureau Federation v. California Fish and Game Commission (gray wolf listing)
- VI. 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).
- 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

- I. Executive director performance review

(D) Deliberation and action on license and permit items

- I. Take action on the accusation against Pacific Star Sportfishing, LLC, regarding suspension of a commercial passenger fishing vessel license
- II. Take action on the accusation against Minyong Chung regarding revocation of a sport fishing license
- III. Take action on the accusation against Gerald Wettle regarding suspension of a commercial fishing license
- IV. Take action on the appeals by Robert Bertucci regarding Department denials of permit reinstatement requests for F/V *Soup Fin II* (FG30832) and for F/V *Jeannise Louella* (FG41524).

**CALIFORNIA FISH AND GAME COMMISSION
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 Meeting	Committee Meeting
January 11		Wildlife Resources Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404
February 6		Tribal Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814
February 7-8	Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
March 6		Marine Resources Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404
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 WestEd Building Edwin C. Myers Classroom 4665 Lampson Ave. Los Alamitos, CA 90720
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 California Department of Parks and Recreation Orange Coast District Office Training Room 3030 Avenida del Presidente San Clemente, CA 92672
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 2018 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 9-12, Tampa, FL

Pacific Fishery Management Council

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

Pacific Flyway Council

- March 27, Norfolk, VA
- August, TBD

Western Association of Fish and Wildlife Agencies

- January 4-7, San Diego, CA
- July 12-17, Eugene, OR

Wildlife Conservation Board

- February 22, Sacramento, CA
- March 22, Sacramento, CA
- May 24, Sacramento, CA
- August 30, Sacramento, CA
- November 15, 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, to 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 November 22, 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 December 1, 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.