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Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

MEETING AGENDA February 7-8, 2018

Resources Building – Auditorium, First Floor
1416 Ninth Street, Sacramento, CA 95814

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.

DAY 1 – FEBRUARY 7, 2018, 10:00 AM

Call to order/roll call to establish quorum

1. Approve agenda and order of items
2. Election of Commission president and vice president
3. Committee assignments
 - (A) Marine Resources Committee
 - (B) Wildlife Resources Committee
 - (C) Tribal Committee
4. 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

5. Receive Dungeness crab task force report with update and recommendation on statutes scheduled to sunset in 2019
(Pursuant to Section 8276.4, Fish and Game Code)
6. Receive and approve north coast marine protected area monitoring plan

7. Tribal Committee
 - (A) Report on the annual tribal planning meeting
 - (B) February 6, 2018 meeting summary
 - I. Receive and adopt recommendations
 - (C) Work plan development
 - I. Update on work plan and draft timeline
 - II. Discuss and approve new topics

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

9. Approve Department request to extend Charles Friend Oyster Company's State Water Bottom Lease No. M-430-04 for a period of one year

10. Receive and consider the draft 2018 Marine Life Management Act Master Plan

11. Department presentation on the state of the California north coast marine protected areas

12. Marine items of interest from previous meetings
 - (A) Discussion and potential action related to the U.S. Department of Interior draft proposed 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program

13. Marine petitions for regulation change from previous meetings
 - (A) Action on petitions for regulation change
 - I. Petition 2017-011: Start time for take of abalone
 - II. Petition 2017-013: Pink shrimp trawling from False Cape to Point Reyes
 - III. Petition 2017-014: Take of purple sea urchins
 - IV. Petition 2017-015: Take of California king crab under rock crab permit
 - V. Petition 2017-016: Take of box crab under rock crab permit
 - VI. Petition 2017-017: Stewart's Point State Marine Conservation Area boundaries
 - (B) Action on pending regulation petitions referred to staff and the Department for review – none scheduled at this time

14. 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

15. Department informational items (marine)
 - (A) Director's report
 - (B) Marine Region
 - I. Report on geoduck fishery
 - II. Update on Pacific Fishery Management Council process and timeline for ocean salmon and Pacific halibut auto-conformance regulations for 2018
 - (C) Law Enforcement Division
 - I. Report on prosecutions and penalties related to citations for poaching
16. Oral arguments by the Department and Pacific Star Sportfishing, Inc., related to possible action in Executive Session on the administrative accusation seeking suspension of Pacific Star Sportfishing's commercial passenger fishing vessel license
17. Announce results from Executive Session

Recess

DAY 2 – FEBRUARY 8, 2018, 8:30 AM

Call to order/roll call to establish quorum

18. 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

19. Santa Barbara Mariculture
 - (A) Approve request to renew State Water Bottom Lease No. M-653-02 for aquaculture in Santa Barbara
 - (B) Approve Santa Barbara Mariculture application and adopt the California Environmental Quality Act mitigated negative declaration for new state water bottom lease for aquaculture adjacent to existing State Water Bottom Lease No. M-653-02 in Santa Barbara
20. Approve species to depict on the California State Duck Stamp, 2018-2022
 (Pursuant to Section 3700.2(e), Fish and Game Code)
21. Receive Department's one-year status review report on the petition to list coast yellow leptosiphon (*Leptosiphon croceus*) as an endangered species under the California Endangered Species Act (CESA)
 (Pursuant to Section 2075, Fish and Game Code)

CONSENT ITEMS (continued)

- 22. Receive Department's one-year status review report on the petition to list tricolored blackbird (*Agelaius tricolor*) as a threatened or endangered species under CESA (Pursuant to Section 2075, Fish and Game Code)
- 23. Receive Department's one-year status review report on the petition to list Lassics lupine (*Lupinus constancei*) as an endangered species under CESA (Pursuant to Section 2075, Fish and Game Code)

24. Wildlife Resources Committee

- (A) January 11, 2018 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

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

26. Discuss proposed changes to Klamath River Basin salmon sport fishing regulations (Subsection 7.50(b)(91.1), Title 14, CCR)

27. Discuss proposed changes to Central Valley salmon sport fishing regulations (Subsections 7.50(b)(5), (b)(68) and (b)(156.5), Title 14, CCR)

28. Discuss proposed changes to waterfowl hunting regulations (Section 502, Title 14, CCR)

29. Authorize publication of notice of intent to amend resident upland game bird hunting regulations (Subsection 300(a)(1)(D)4., Title 14, CCR)

30. Non-marine items of interest from previous meetings

- (A) Receive and discuss Department's update on trapping license fees analysis

31. Non-marine petitions for regulation change from previous meetings

- (A) Action on petitions for regulation change
 - I. Petition 2017-012: Striped bass take in coastal rivers and ocean waters south of San Francisco Bay
- (B) Action on pending regulation petitions referred to staff and the Department for review – none scheduled at this time
- (C) Request for reconsideration of Petition 2017-002: Parking use exemption for County of Los Angeles at Ballona Wetlands Ecological Reserve (*request withdrawn by petitioner*)

- 32. 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

- 33. Department informational items (non-marine)
 - (A) Director's report
 - (B) Wildlife and Fisheries Division, and Ecosystem Conservation Division
 - (C) Other
 - I. Receive Department's annual report regarding necropsies on mountain lions taken under depredation permits

- 34. Other informational items
 - (A) Staff report
 - (B) Legislative update and possible action

- 35. Discuss and act on Commission administrative items
 - (A) Next meetings
 - (B) Rulemaking timetable updates
 - (C) New business

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 delisting 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

(D) Deliberation and action on license and permit items

- I. Action on the accusation against Pacific Star Sportfishing, LLC, regarding suspension of a commercial passenger fishing vessel license

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	Other Meetings
February 22	Commission Strategic Planning Sacramento		
March 6		Marine Resources Justice A. Rattigan State Building 50 D Street Conf. Room 410 (4th Floor) Santa Rosa, CA 95404	
April 12	Teleconference — Arcata, Napa, Sacramento, Los Alamitos and San Diego		
April 18-19	Four Points by Sheraton Ventura Harbor Resort 1050 Schooner Drive Ventura, CA 93001		
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	River Lodge Conference Center 1800 Riverwalk Drive Fortuna, CA 95540		

Meeting Date	Commission Meeting	Committee Meeting	Other Meetings
September 20		Wildlife Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
October 16		Tribal Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721	
October 17-18	Radisson Fresno Conference Center 1055 Van Ness Avenue Fresno, CA 93721		
November 14		Marine Resources Resources Building Auditorium, First Floor 1416 Ninth Street Sacramento, CA 95814	
December 12-13	QLN Conference Center 1938 Avenida del Oro Oceanside, CA 92056		

OTHER 2018 MEETINGS OF INTEREST

Association of Fish and Wildlife Agencies

- September 9-12, Tampa, FL

Pacific Fishery Management Council

- March 8-14, Rohnert Park, CA
- April 5-11, 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
- September, TBD

Western Association of Fish and Wildlife Agencies

- July 12-17, Eugene, OR

Wildlife Conservation Board

- February 22, Sacramento, CA
- March 22, Sacramento, CA (special meeting)

- 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 148th 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; **deliver** to California 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 January 25, 2018**. 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 February 2, 2018**. 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.